

ORDINANCE NO. 2394

AN ORDINANCE OF THE CITY OF SOUTH PASADENA AMENDING CHAPTER 36 OF THE SOUTH PASADENA MUNICIPAL CODE ELIMINATING THE DESIGN REVIEW BOARD AND REALLOCATING DESIGN REVIEW AUTHORITY AND MAKING RELATED AMENDMENTS FOR CONSISTENCY; AMENDING VARIOUS SECTIONS OF THE ZONING CODE FOR CONSISTENCY WITH STATE LAW, INCLUDING PROVISIONS RELATED TO ACCESSORY DWELLING UNITS; AMENDING SECTIONS RELATED TO CODE ADMINISTRATION, NOTICING AND PROCESS; AMENDING THE SIGN ORDINANCE; AND UPDATING DEVELOPMENT STANDARDS, AND RESOLVING INCONSISTENCIES WITHIN CHAPTER 36.

WHEREAS, the City of South Pasadena acknowledges there is a shortage of housing that necessitates adoption of policies and zoning ordinance requirements that facilitate more streamlined development of housing;

WHEREAS, in an effort to facilitate housing, ensure consistency with State laws, and to implement the goals, policies and programs contained in the City's General Plan and 2021-2029 General Plan Housing Element, the City of South Pasadena desires to streamline the development review process;

WHEREAS, this includes simplifying the permit process for small and mid-size applications currently subject to Design Review Board review in an effort to reduce barriers to housing production;

WHEREAS, on June 18, 2024, the City Council directed staff to analyze options to streamline the design review process;

WHEREAS, on July 17, 2024, the South Pasadena City Council adopted Resolution No. 7865, a resolution declaring its intention to initiate amendments to the South Pasadena Municipal Code Chapter 36 (Zoning) amending the zoning code for consistency with State housing laws such as provisions related to accessory dwelling units and subdivisions, to simplify the sign approval process, streamline the design review process, improve administrative processes, adjust certain development standards and resolve other inconsistencies within Chapter 36;

WHEREAS, on December 18, 2024, the South Pasadena City Council adopted Resolution No. 7887, a resolution declaring its intention to dissolve the Design Review Board and reassign review authority and make other amendments to resolve other inconsistencies within Chapter 36 related to design review;

WHEREAS, on January 28, 2025, the South Pasadena Planning Commission ("Planning Commission") held a study session, during which staff presented an

overview of the proposed amendments, received public testimony and feedback from the Planning Commissioners;

WHEREAS, on February 25, 2025, the Planning Commission held a duly noticed public hearing, as prescribed by law, wherein the Planning Commission received a staff presentation, considered the staff report and all other materials and evidence, heard public testimony and held Planning Commission discussion

WHEREAS, following the public hearing, the Planning Commission adopted PC Resolution No. PC25-01, recommending that the City Council adopt a zoning text amendment to the Chapter 36 (Zoning) of the South Pasadena Municipal Code in the form of an ordinance as set forth therein;

WHEREAS, on March 19, 2025, the City Council, at a regular meeting, considered this Ordinance amending Chapter 36 of the South Pasadena Municipal Code at a duly noticed public hearing, as prescribed by law, at which time the City council received a staff presentation and interested persons had an opportunity to and did provide public testimony; and

WHEREAS, following the public hearing, the City Council considered the entire record of information received at the public hearings before the Planning Commission and City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. The City Council finds the foregoing recitals and their findings to be true and correct and hereby incorporates such recitals and their findings into this Ordinance.

SECTION 2. ENVIRONMENTAL FINDINGS. The City Council finds the amendments set forth in this Ordinance are routine, reflect changes in state law, relate to the City's review process and code clarification, do not include any development proposal, and can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Therefore, the amendments qualify for the common sense exemption from the California Environmental Quality Act (CEQA), as set forth CEQA Section 15061(b)(3).

SECTION 3. ZONING AMENDMENT FINDINGS. South Pasadena Municipal Code Section 36.620.070(B) provides that Zoning Amendments may be approved if the following findings are made:

1. *Findings required for all Zoning Code/Map amendments;*
 - a. *The proposed amendment is consistent with the actions, goals, objectives, policies, and programs of the General Plan;*

The proposed Zoning Text Amendment (ZTA) as set forth herein, is consistent with the following actions, goals, objectives, policies, and programs of the General Plan because it would implement the following:

Housing Element Program 3.f Allow and Facilitate ADUs.

Housing Element Program 3.f: Zoning Changes.

General Plan Policy P5.8: Support the reduction of governmental and regulatory constraints, and advocate for the production of affordable housing.

General Plan Policy A5.8b: Amend Zoning Code to better encourage development of Accessory Dwelling Units.

Given that the ZTA would implement the latest Government Code references relating to ADUs and ministerial projects, thereby reducing constraints to the production of affordable housing, and given that other changes are proposed that would streamline the development process, increase clarity in code language, and would better inform community members of public hearings, the City Council hereby finds that the ZTA is consistent with the General Plan policies, goals, and programs listed above.

- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*

The ZTA would not be detrimental to the public interest, health, safety, convenience or general welfare of the City because it would support internal consistency between the Housing Element, General Plan, and Zoning Ordinance. The proposed ZTA does not include any development proposal nor would it approve any project. Therefore, the City Council hereby makes this finding.

- 2. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

The proposed ZTA is internally consistent with other applicable provisions of the Zoning Code. The proposed amendments would update Government Code references pertaining to ADUs and ministerial approvals, would revise text to reflect the City's current organizational structure, and would make the SPMC more descriptive in terms of development standards and definitions. Therefore, the Planning Commission can make this finding.

- 3. Additional finding for Zoning Map amendments. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land*

uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects.

The proposed ZTA does not include a Zoning Map Amendment. Therefore, this finding does not apply.

The Project does not include a Zoning Map Amendment. Therefore, this finding does not apply.

SECTION 4. ZONE TEXT AMENDMENT. The City Council hereby amends various sections of Chapter 36 (Zoning) of the South Pasadena Municipal Code to incorporate the text changes as well as the revisions to the tables as set forth in Exhibit A, attached hereto and incorporated herein by reference, with all sections and tables of Chapter 36 that have no amendments identified in Exhibit A remaining in effect without amendment.

SECTION 5. SEVERABILITY. If any section subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 6. EFFECTIVE DATE. The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published in the manner prescribed by law, and this Ordinance shall become effective 30 days following its adoption.

PASSED, APPROVED AND ADOPTED ON this 16th day of April, 2025.


Janet Braun, Mayor

ATTEST:


Hector Gomez, Chief City Clerk

APPROVED AS TO FORM:


Roxanne Diaz, City Attorney

CITY OF SOUTH PASADENA
CITY CLERK'S DIVISION
CERTIFICATION OF ORDINANCE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH PASADENA)


I, Hector Gomez, Chief City Clerk of the City of South Pasadena, do hereby certify that Ordinance No. 2394, was duly and regularly approved and adopted at a Regular meeting of the City Council on this 16th day of April, 2025, by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES: Cacciotti, Ferguson, Mayor Braun

NOES: None.

ABSENT: None.

ABSTAIN: Primuth, Rossi



Hector Gomez
Chief City Clerk

Exhibit A Zoning Text Amendment

Amendments are depicted in **Bold Underline** for text additions and **~~Bold Strikethrough~~** for text deletions.

- **Article 1 Zoning Code Applicability.**

36.100.040 Responsibility for Administration.

This Zoning Code shall be administered by the South Pasadena City Council, Planning Commission, ~~Design Review Board~~, Cultural Heritage Commission, Director of **Planning and Building Community Development** and the **Planning Community Development** Department in compliance with Division 36.600 (Administrative Responsibility).

36.110.030 Rules for Interpretation.

A. Abbreviations, short form terms. For the purpose of brevity, the following phrases, personnel and document titles are shortened in this Zoning Code. The City of South Pasadena is referred to as the "City." The City of South Pasadena Zoning Code is referred to as "this Zoning Code." The Director of **Planning and Building Community Development** is referred to as "Director," the City Council is referred to as the "Council," and the Planning Commission is referred to as the "Commission." The **Planning and Building Community Development** Department is referred to as the "Department." "Buildings and structures" are referred to as "structures."

B. *No changes to this section*

C. *No changes to this section*

D. *No changes to this section*

E. *No changes to this section*

F. *No changes to this section*

G. *No changes to this section*

H. *No changes to this section*

36.110.040 Procedure for Interpretations.

Whenever the Director determines that the meaning or applicability of any of the requirements of this Zoning Code are subject to interpretation generally, or as applied to a specific case, the Director may issue an interpretation.

A. *No changes to this section*

B. *No changes to this section*

C. *No changes to this section*

D. Record of interpretations. Official interpretations shall be:

1. Written, and shall quote the provisions of this Zoning Code being interpreted, and the applicability in the particular or general circumstances that caused the need for interpretations, and the determination; and
2. **Posted on the Department web page and** Distributed to the Council, Commission, **Director, DRB,** CHC, City Manager, City Attorney, City Clerk, and affected Department staff.

Any provision of this Zoning Code that is determined by the Director or other applicable review authority to need refinement or revision will be corrected by amending this Zoning Code as soon as is practical. Until an amendment can occur, the Director will maintain a complete record of all official interpretations as an appendix to this Zoning Code and indexed by the number of the Division or Section that is the subject of the interpretation.

E. *No changes to this section*

- **Article 2 Zoning Districts, Allowable Land Uses, and Zone-Specific Standards**

36.210.030 (Allowable Land Uses and Permit Requirements)

A. *No changes to this section*

B. Permit Requirements. Tables 2-2, 2-4, and 2-6 provide for land uses that are:

1. *No changes to this section*

2. *No changes to this section*

3. *No changes to this section*

4. A project may require **design** review by ~~the Design Review Board, the Director, the Planning Commission Chair,~~ the Planning Commission (for a Hillside Permit) and/or the Cultural Heritage Commission (if required to obtain a Certificate of Appropriateness), in addition to the permit requirements above. See Section 36.410.040 (Design Review).

36.210.040 (Exemptions from Zoning Approval Requirements)

The zoning approval requirements of this Zoning Code, other than those of ~~the Design Review Board or~~ the Cultural Heritage Commission, do not apply to the land uses, structures, and activities identified by this Section. These are allowed in all zoning districts subject to compliance with this Section.

A. *No changes to this section*

B. *No changes to this section*

36.220.040 (Residential Zoning District General Development Standards)

The zoning approval requirements of this Zoning Code, other than those of ~~the Design Review Board or~~ the Cultural Heritage Commission, do not apply to the land uses, structures, and activities identified by this Section. These are allowed in all zoning districts subject to compliance with this Section.

A. *No changes to this section*

B. *No changes to this section*

C. Design guidelines and standards. Land uses and structures proposed within the residential zoning districts shall comply with the City's Design Guidelines to the extent required by the ~~Design Review Board~~ **review authority** and/or specific provisions of the Design Guidelines, objective design standards, and to the extent permitted by State law. Qualifying residential projects shall comply with the ministerial approval process established by SPMC 36.410.040(D)(6).

36.230.050 Mixed Use Overlay District Development Standards

A. *No changes to this section*

B. *No changes to this section*

C. *No changes to this section*

D. Notes column in Table 2-6. Where the last column in Table 2-6 ("Notes") includes a section number, the regulations in the referenced section apply to the standard; however, provisions in other sections of this Zoning Code may also apply.

TABLE 2-6. MIXED USE OVERLAY DISTRICT DEVELOPMENT STANDARDS		
Development Feature	Requirement	Notes
DEVELOPMENT INTENSITY		
Minimum Size or Area	20,000 sf	
Minimum Lot Frontage	80 ft	
Density Range for Residential	52 to 70 du/ac	
Maximum Lot Coverage	70%	
Minimum Residential Unit Size	Studio—450 sf One-bedroom—750 sf Two-bedroom—900 sf	
NONRESIDENTIAL USES		
Location	Nonresidential uses are required along the street frontage in the areas described in the General Plan for development within a Corridor, District, or Neighborhood Centers.	Residential units shall be located above the ground-floor level within the BP zoning district.

No changes to the rest of Table 2-6.

36.250.030 (Altos de Monterey (AM) Overlay District)

A. No changes to this section

B. No changes to this section

C. No changes to this section

D. No changes to this section

E. No changes to this section

F. Nonconformities. Nonconforming uses, structures, and lots within the AM overlay zone are subject to the requirements of Section 36.360.120 (Altos de Monterey Nonconforming Use Provisions).

TABLE 2-7. AM OVERLAY DISTRICT DESIGN AND DEVELOPMENT STANDARDS	
Development Feature	Requirement
Minimum lot size	Minimum area and width for new parcels.
Area and width	As shown on Final Tract Map 25588, except for mergers and lot line adjustments, provided that such actions shall not cause any significant gain or loss in the area of the tract. The subdivision of any existing lot is prohibited.
Width, flag lot "pole"	30 ft; frontage width may be 25 feet for parcels 306 and 307 to accommodate a 10-foot wide path parallel to the flag lot stem.
Setbacks	Minimum setbacks required, except as provided by Section 36.300.030 (Setback Measurement and Exceptions)
Front and side	See Table 2-8 (AM Overlay District Setback Requirements). The side setback requirements in the table identify each side (i.e., 15'-5' means 15 ft on one side and 5 ft on the other).

TABLE 2-7. AM OVERLAY DISTRICT DESIGN AND DEVELOPMENT STANDARDS	
Development Feature	Requirement
Rear	25 ft
Second story	20 ft from the front setback line
Between structures	10 ft
Sight distance	Intersection: no visual obstructions between 2 and 6 feet above the ground on corner lots measured 25 feet across street corner. Driveways: no visual obstruction between 2 and 6 feet above the ground within 10 feet of a driveway and street.
Lot coverage	40% maximum
Floor Area Ratio (FAR)	0.35 for main building area of multi-floor structures, maximum
Minimum floor area	1,250 sf for each dwelling
Height limit	Maximum height of structures, measured from a point 6 inches above the high point of the existing grade line at the existing, previously set front yard setback line to the highest point of the roof or parapet wall. All heights shall be measured at any point along the building line.
Primary structure	25 ft
Height limit (Continued)	
Detached accessory structure	15 ft
Fences	Front yard—2 ft within a sight distance area, 3 ft elsewhere; side and rear yards—6 ft. Fence height includes garden walls, shrubs and hedges.
Landscaping	As required by Division 36.330 (Landscaping Standards). No impervious surface shall be allowed in a required front or street side setback area, except for a driveway or approved drainage structure. All trees shall comply with the requirements of Ordinance No. 1991.
Parking and loading	<ul style="list-style-type: none"> • Dwellings require 3 off-street spaces (2 in a garage or carport), that are a minimum of 10 ft wide by 20 ft long, and entirely located to the rear of the front setback line. • No vehicle, trailer, boat or component thereof shall be stored on any parking space or driveway, or access thereto, except in a garage or carport, or behind a solid wall or fence that screens the stored object from public view. • No vehicle, trailer, boat, or component thereof, or other object shall be parked or stored for more than 72 hours in any required setback. • Garage door openings should not face the street when feasible, as determined by the DRB review authority.
Driveway requirements	
Width	9 feet minimum, 12 feet maximum. Flag lots: 10 feet minimum, 20 feet maximum
Circular driveway restrictions	Minimum lot width 80 ft; may occupy a maximum of 40% of the front yard area.
Drainage	Lots shall drain to the street. Drainage patterns established at the

TABLE 2-7. AM OVERLAY DISTRICT DESIGN AND DEVELOPMENT STANDARDS	
Development Feature	Requirement
	time of original lot grading shall not be disturbed except through the installation of conveyances approved by the City that conduct all surface runoff to the nearest public street or public drainage structure.
Grading—Cut and fill	2:1 maximum slope
Fences and walls	<p>Garden fences and walls. Maximum height shall not exceed 6 ft along any property line or within any required setback, except for front yard and street side setback areas where the maximum height shall not exceed 36 inches. Trees or shrubs planted to achieve the same effect as a garden fence or wall shall also comply with these height limitations.</p> <p>Retaining walls. Retaining wall height shall not exceed 6 feet. Where more than one wall is built, the walls shall be separated by a distance equal to the wall height.</p>
Mechanical equipment	Roof mounted equipment except solar collection devices shall not may be allowed <u>in accordance with 36.300.080.B</u> . All plumbing vents shall not be visible from the street frontage. Ground-mounted HVAC equipment shall be screened from public view. Antennas and satellite dishes are exempt from these requirements.
Signs	No more than one commercial sign with a maximum area of 6 square feet shall be displayed on any lot; non-commercial signs are not subject to this limitation.

- **Article 3 Site Planning and General Development Standards**

36 300.030 Setback Measurement and Exceptions.

This Section provides standards for the use and minimum size of required setbacks. These standards are intended to provide open space areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping, and recreation.

- A. Setback Requirements. *No changes are proposed to this Section*
- B. Exemptions from setback requirements. *No changes are proposed to this section*
- C. Measurement of setbacks. *No changes are proposed to this section*
- D. Setback exceptions, allowed projections into setbacks. An architectural feature may extend beyond the wall of the structure and into the front, side, and rear setbacks, in compliance with Table 3-1.

TABLE 3-1. ALLOWED PROJECTIONS INTO SETBACKS			
Projecting Feature	Allowed Projection into Specified Setback		
	Front	Side	Rear
Sills, cornices, roof overhang or eaves	No closer than 30 in. to a lot line, provided that the lowest edge of the feature is at least 8 ft above ground level.		
Chimney, bay window, greenhouse window	24 in. for no more than 10% of the length of the building wall from which it projects, or a maximum length of 10 ft, whichever is less; but no closer than 30 in. to a side lot line.		
Balcony, deck, or porch, which may be roofed but is otherwise unenclosed	0 ft	36 in. for a deck if its walking surface is 30 in. or less above grade. 36 in. for another projecting feature if it extends along no more than 10% of the length of the building wall from which it projects, or a maximum length of 10 ft, whichever is less. In no case shall a feature project closer than 30 in. to a side lot line.	8 ft
Uncovered steps or landings up to 36 inches in height	36 inches in width, up to 10 ft in length.		
<u>Miscellaneous equipment attached to the structure</u>	<u>24 inches. Attached equipment shall not be located less than three (3) feet to any lot line and shall not be located in the front yard setback.</u>		
Note: Air conditioning (HVAC) units may be permitted if located outside the front or side setbacks setback, and may be located in the side yard setback provided the equipment is not located closer than three (3) feet to any lot line. Such equipment shall be fully screened when it is located in a street side yard. they HVAC equipment shall not be located on rooftops in <u>single-family</u> residential districts (RE, AM and RS zones) shall require approval by the Planning Commission Chair.			

Figure 3-3 <no changes are proposed to the figure>

E. Limitations on the use of setbacks. *No changes are proposed to this section*

36.300.040 Height Limits and Exceptions.

Each structure shall comply with the height limits of this Section, except for fences and walls, which are instead subject to the provisions of Section 36.300.050 (Walls, Fences, and Hedges).

A. Maximum height of structures. No structure shall exceed the height limit established by the applicable zoning district in Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards). ~~Because of a 1983 City of South Pasadena initiative, no commercial, office, manufacturing, or residential building shall exceed a height of 45 feet, and no Conditional Use Permit or Variance shall be granted to exceed 45 feet.~~

B. *No changes to this section*

C. *No changes to this section*

36.300.070 Screening

This Section establishes standards for screening between land uses, and the screening of other potentially unsightly features of development.

A. Design Review required. *No changes are proposed to this section*

B. Screening between different land uses. *No changes are proposed to this section*

C. Mechanical equipment, loading dock, and refuse areas for commercial or industrial areas.

1. Roof or ground mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts, and exhaust, etc.), loading docks, refuse storage areas, and utility services (e.g. electrical transformers, gas meters, etc.) shall be screened from public view from adjoining public streets and rights-of-way and adjacent residentially-zoned areas. See also Section 36.300.080 and 36.340.040.F.3 for hillside projects, regarding mechanical equipment.
2. The method of screening shall be architecturally compatible with the colors, materials, and architectural style of the other development on the site.
3. Landscaping shall be installed adjacent to screen walls, at the discretion of the Design Review Board.

D. Outdoor storage and work yards. *No changes are proposed to this section*

E. Outdoor building materials and garden supply areas. *No changes are proposed to this section*

36.300.080 Mechanical Equipment

Each piece of mechanical equipment including HVAC (heating, ventilation, and air conditioning) equipment, and other compressors, battery storage and associated generators, filters, pumps, and similar equipment installed outside of the exterior walls or roof of a building shall constitute a structure, and shall comply with the following requirements.

A. Location within required setbacks.

1. Front or street setback. No mechanical equipment shall be placed within a required front yard setback.
2. Side setback. Mechanical equipment may be placed within a required side yard or street side setback ~~only when enclosed and/or screened from view in compliance with Section 36.300.070.C.1, and attached to the building, subject to subsection 4, below.~~

3. Rear setback. Mechanical equipment may be placed in a rear setback when enclosed and/or screened from view, except in the required yard of a through lot. If detached from the building, the equipment shall be set back a minimum of three feet from the rear and side property lines **subject to subsection 4, below.**

4. Mechanical Equipment Placement. The following standards shall apply to the placement of mechanical equipment:

- a. The equipment shall be enclosed or screened from view in compliance with Section 36.300.070.C.1;**
- b. Mechanical equipment shall not be located closer than three (3) feet to any lot line;**
- c. Equipment attached to a building but that protrudes into any required side yard, street side yard, or rear yard setback, shall be subject to a building permit provided that such equipment is not located closer than three (3) feet to any lot line. Such equipment shall not be permitted to extend into the front yard setback.**

- B. Roof-mounted equipment. Mechanical equipment may be located on a roof provided that it is not visible from the street and is screened from the view of abutting residential properties in compliance with Section 36.300.070.C.1. **Roof-mounted HVAC equipment may be allowed in single-family zones (RE, AM, and RS) with approval by the Planning Commission Chair (see Section 36.410.040.D.2). See also Section 36.340.040.F.3. for hillside projects.**

- C. Noise control. All mechanical equipment shall comply with the City's noise regulations in Chapter 19A of the Municipal Code.

36.300.100 Historic Structures.

See Municipal Code Chapter 2, Article ~~VIE~~ **IVH** for permit requirements and standards for alterations to historic structures.

36.310.040 Number of Parking Spaces Required.

Each use shall provide at least the minimum number of parking spaces required by this division, unless otherwise exempt from the minimum parking requirement per subsection (H) of this section. If parking requirements result in a fraction of a space required, the number of parking spaces required shall be rounded up to the next higher number.

- A. Parking requirements by land use. *No changes are proposed to this section*
- B. Expansion of structure, change of use. *No changes are proposed to this section*
- C. Multi-tenant sites. *No changes are proposed to this section*
- D. Uses not listed. *No changes are proposed to this section*
- E. Excessive Parking. *No changes are proposed to this section*
- F. Bench or bleacher seating. *No changes are proposed to this section*
- G. Parking for historic commercial properties in CG zone. *No changes are proposed to this section*

TABLE 3-6. PARKING REQUIREMENTS BY LAND USE	
Land Use Type:	Number of Parking Spaces Required*
Manufacturing, Processing, and Warehousing	

TABLE 3-6. PARKING REQUIREMENTS BY LAND USE	
Land Use Type:	Number of Parking Spaces Required*
General manufacturing, industrial, and processing uses	2.5 spaces for each 1,000 sf.
Recycling facilities	6 spaces for large collection facilities; as determined by Conditional Use Permit approval for other facilities.
Research and development, offices and laboratories	3 spaces for each 1,000 sf.
Warehouses, distribution centers, and storage facilities	2 spaces for each 1,000 sf.
Recreation, Education, and Public Assembly	
Child day-care facilities	
Child day care center	1 space per employee, plus 1 space per 5 children.
Large family day care home	1 space per employee, in addition to required residential spaces.
Small family day care home	As required for the single-family dwelling (see the parking requirements for residential uses).
Commercial recreation activities: Ball courts, outdoor or indoor	3 spaces for each court, plus 4 spaces for each 1,000 sf of floor area for each additional use.
Indoor recreation/fitness centers	
Arcades	4 spaces for each 1,000 sf.
Bowling alleys	3 spaces for each lane.
Health/fitness clubs	4 spaces for each 1,000 sf plus 1 space for each employee.
Pool and billiard rooms	2 spaces for each table, plus required space for each additional use (e.g., restaurant, bar).
Skating rinks	10 spaces for each 1,000 sf of skating area.
Libraries, museums, art galleries	2 spaces for each 1,000 sf.
Recreation, Education, and Public Assembly (cont'd)	
Outdoor Recreation Facilities Golf course Miniature golf Driving range Equestrian facilities	Parking spaces determined per parking plan approved by review authority.
Public assembly uses (e.g., religious facilities, cinemas, performance theaters, meeting halls, and membership organizations).	1 space for each 4 fixed seats (see Section 36.310.040.F for instructions on how to calculate bench or bleacher seating), and 1 space for every 40 sf of gross assembly area, classrooms, meeting rooms, etc., exclusive of areas of fixed seats and their access aisles. For day care facilities in conjunction with a public assembly use, see the parking requirement for "child day care facilities."

TABLE 3-6. PARKING REQUIREMENTS BY LAND USE	
Land Use Type:	Number of Parking Spaces Required*
Schools (private)	
Elementary, junior high/middle school	1.5 spaces for each classroom, plus 5 spaces for each 1,000 sf of assembly area in an auditorium.
High school	1 space for each 5 students plus 1 space for each employee.
Specialized education and training schools	5 spaces for each 1,000 sf.
Private colleges and universities	5 spaces for each 1,000 sf.
Special needs educational and training facilities	As determined by the review authority based on a parking study by a professional traffic engineer or qualified parking consultant.
Studio for dance, art, etc.	5 spaces for each 1,000 sf.
Residential Uses (1)	
<u>Accessory Dwelling Unit</u>	<u>See Section 36.350.200.H.</u>
Duplex	4 spaces within a garage or carport, plus 1 guest space. (3)
Live/work unit	2 spaces for each 1,000 sf of combined floor area.
Mixed-use development	As required for each individual land use.
Multi-family dwelling, condominiums and other attached dwellings	1 bedroom unit—1 space; 2 bedrooms and/or greater—2 spaces within a garage or carport for each unit, plus 1 guest space per each 2 units. (1), (3)
Organizational house	1 space for each bed.
<u>Second dwelling unit</u>	<u>1 space within a garage or carport.</u>
Senior citizen residential	
Assisted living and group homes	0.5 space for each residential unit, plus 1 space for each 4 units for guests and employees.
Residential Uses (cont'd)	
Independent living	1 covered space for each unit, plus 1 uncovered guest parking space for each 10 units.
Single-family housing	2 covered spaces. (2), (3) (4)
Retail Trade	
Appliances, building materials, furniture, and hardware stores	2 spaces for each 1,000 sf.
Automobile, mobile home, vehicle, machinery and parts sales	1 space for each 1,000 sf, including outdoor display area.
Bars/nightclubs/dancing establishments	1 space for each 30 sf of dance floor area; 1 space for each 100 sf of bar/nightclub area.
Convenience stores	4 spaces for each 1,000 sf.

TABLE 3-6. PARKING REQUIREMENTS BY LAND USE	
Land Use Type:	Number of Parking Spaces Required*
Gas stations (including multi-use stations)	2 spaces for each 1,000 sf plus 3 spaces for each service bay.
Grocery stores	4 spaces for each 1,000 sf.
Multi-tenant retail site or building (2 or more uses)	4 spaces for each 1,000 sf.
Restaurant—Not part of multi-tenant retail site or building	
New use occupying new space more than 1,200 sf.	10 spaces for each 1,000 sf.
New use occupying existing space of 1,200 sf or less.	No new parking required.
Outdoor dining	No parking required.
Restaurant—Not part of multi-tenant retail site or building (Continued)	
Take-out with customer tables	20 spaces for each 1,000 sf.
Take-out service only (e.g., delicatessens)	4 spaces for each 1,000 sf.
Restaurant—Within multi-tenant retail site or building	See requirement for "Multi-tenant retail site or building."
Retail sales and services	1 space for each 500 sf.
Services	
Banks and financial services	4 spaces for each 1,000 sf of financial customer service area, plus 3 spaces per 1,000 sf of office space.
Bed and breakfast inns	1 space for each guest room, and 1 space for each 2 employees, plus 2 parking spaces for the residents.
Services (cont'd)	
Copy and reproduction centers	2 spaces for each 1,000 sf.
Consumer products—repair and maintenance	4 spaces for each 1,000 sf.
Equipment rental	1 space for each 300 sf of floor area, plus 1 space for each 1,500 sf of outdoor use area.
Hotels and motels	1 space for each guest room, and 1.5 spaces for each multi-room suite; plus 1 space for each 20 guest rooms and 10 spaces for each 1,000 sf of conference meeting room area.
Kennels and animal boarding	1 space for each 1,000 sf.
Laundromats	4 spaces for each 1,000 sf.
Medical services	
Clinics, medical/dental offices	4 spaces for each 1,000 sf.
In-patient drug treatment facilities	1 space for each 3 beds, plus 1 for each employee.

TABLE 3-6. PARKING REQUIREMENTS BY LAND USE	
Land Use Type:	Number of Parking Spaces Required*
Hospitals	1 space for each patient bed, plus 2 for each 1,000 sf of office area, plus required spaces for ancillary uses as determined by the review authority.
Medical/dental labs	3 spaces for each 1,000 sf.
Mortuary	1 space for each 4 fixed seats (see Section 36.310.040.F for instructions on how to calculate bench seating), and 1 space for each 40 sf of gross public assembly area.
Offices, administrative, corporate	3 spaces for each 1,000 sf.
Personal services	8 spaces for each 1,000 sf.
Vehicle repair and maintenance	
Repair garage	2 spaces for each 1,000 sf.
Self-service vehicle washing	3 spaces for each washing stall.
Full-service vehicle washing	
	2 spaces for each 3 employees on largest shift, plus 4 spaces for each 1,000 sf of store/lounge area, with a minimum of 3 spaces.
Veterinary clinics and hospitals	3 spaces for each 1,000 sf, plus 1 space for each 1,000 sf of boarding area.
Transportation and Communications	
Truck and freight terminals	1 space for each 400 sf of freight area, plus 1 space for each 100 sf of office/lobby area.
Notes:	
(1) Guest parking spaces shall be clearly marked for guest parking only and shall be evenly dispersed throughout the development site. Signs shall be provided at appropriate locations to direct visitors to guest parking locations.	
(2) On a lot requiring a Hillside Development Permit, a minimum of three spaces shall be provided, with two covered. The Planning Commission may authorize one of the three spaces to be in tandem. One additional space shall be provided for each 1,000 square feet of floor area or fraction thereof above 3,000 square feet.	
(3) The requirement of two covered spaces may be waived by the Director for the alteration of a residential unit that is listed on the City's Cultural Heritage Inventory as defined by SPMC Section 2.58, provided the circumstances listed under SPMC Section 36.360.090(F)(1) apply.	
<u>(4) The City shall maintain compliance with Government Code Section 65863.3 regarding single-family residential parking.</u>	
* The actual parking requirements for all uses subject to a Conditional Use Permit [CUP] or Administrative Use Permit [AUP] (refer to SPMC 36.230, Table 2-4 Commercial Zoning Districts—Allowed Uses and Permit Requirements for Commercial and Business Park Districts) are reviewed on a case-by-case basis via the CUP/AUP entitlement process. The listed parking requirements are the minimum; the CUP/AUP process may determine that additional parking is required. Reductions in required parking can only be approved via the variance process (SPMC 36.410.080), and per the 1983 Initiative, variances for parking	

TABLE 3-6. PARKING REQUIREMENTS BY LAND USE	
Land Use Type:	Number of Parking Spaces Required*
are limited to a maximum of five percent of the required number of spaces.	

36.320.030 Sign Permit Requirements

No sign shall be installed, constructed, or altered unless it is first approved in compliance with this section.

A. Fees and plans required. *No changes are proposed to this section*

B. ~~Review and approval~~ **Sign Permit Approval. Except as otherwise provided for herein, t**~~The Design Review Board~~ **Director** shall review all Sign Permit applications and approve only those found to be in substantial conformance with all applicable requirements of this Division. ~~The Design Review Board may require conditions of approval as are reasonably necessary to achieve the purposes of this Division.~~ **Notwithstanding, signs on properties listed on the Historic Resources Inventory shall require approval by the Chair of the Cultural Heritage Commission. CHC Chair decisions may be appealed to the Cultural Heritage Commission, except the CHC Chair shall not participate in that appeal.**

C. Master Sign Plan.

1. When required. A Master Sign Plan shall be approved by the ~~Design Review Board~~ **same body approving any associated application, and by the Director if there are no associated applications,** prior to the issuance of any Sign Permit for:

- a. A new nonresidential **project use** with three or more tenants; and
- b. Major rehabilitation work on an existing nonresidential **project use** with three or more tenants that involves exterior remodeling. For the purposes of this Division, major rehabilitation means adding more than 50 percent to the gross floor area of the building/buildings, or exterior redesign of more than 50 percent of the length of any facade within the project.

All signs installed or replaced within the nonresidential project shall comply with the approved Master Sign Plan.

2. Content of plan. *No changes are proposed to this section*

3. Revisions. A new Master Sign Plan approval shall be **required** ~~obtained~~ for substantial revisions to the original approval, as determined by the Director. If proposed changes are determined by the Director to be minor, the revisions may be reviewed and approved by the **Director.** ~~chair of the Design Review Board. If the changes are major, Design Review Board review and approval shall be required.~~

D. Time limit for action. *No changes are proposed for this section*

36.320.050 Permitted Signs.

The following signs may be permitted in compliance with the zoning district requirements, sign standards, **and** sign permit procedures **and DRB approval requirements of this Division,** and the City's Design Guidelines for signs.

A. Awning and suspended signs (Section 36.320.080.A);

B. Banners (Section 36.320.080.B);

C. Freestanding/monument signs (Section 36.320.080.C);

D. Menu boards (Section 36.320.080.D)

~~DE~~ Off-site directional signs (Section 36.320.080.D);

~~EE~~ Portable sidewalk signs (Section 36.320.080.E);

~~FG~~ Projecting signs (Section 36.320.080.F);

~~GH~~ Suspended signs (Section 36.320.080.G);

~~HI~~ Temporary signs (Section 36.320.080.H);

~~IJ~~ Wall signs (Section 36.320.080.I); and

~~JK~~ Window signs (Section 36.320.080.J).

36.320.060 General Requirements for All Signs.

A. Sign area measurement. *No changes are proposed to this section*

B. Sign height measurement. *No changes are proposed to this section*

C. Sign location requirements.

1. All signs identifying an occupant, business, or use shall be located on the same site as the occupant, business, or use.
2. A sign may project over an adjacent public right-of-way only when authorized by an encroachment permit as well as a Sign Permit. No sign shall be located within a public right-of-way, except as otherwise allowed by this Division.
3. The **location of the sign or signs shall meet the following standards: approval of a Sign Permit or Master Sign Plan shall require that the Design Review Board determine that each sign is located so that:**
 - a. A freestanding or projecting sign is set back from property lines a distance that is appropriate for its height and area;
 - b. Wall or projecting signs relate to the architectural design of the building, and that no signs cover windows, or spill over natural boundaries in the facade design and architectural features;
 - c. The sign does not unreasonably block the sight lines of existing signs on adjacent properties; and
 - d. The sign does not adversely affect pedestrian or vehicular safety.

D. Sign illumination. *No changes are proposed to this section*

E. Maintenance of signs. *No changes are proposed to this section*

36.320.070 Zoning District Sign Standards.

Only the signs and sign area authorized by this Section shall be allowed unless otherwise expressly provided in Section 36.320.080 (Standards for Specific Types of Signs).

A. Residential **uses** ~~and Commercial Office (CO) zoning districts.~~

1. Number, type, and area of signs allowed. A parcel in a residential zoning district may be permitted one unlighted, wall mounted/flush sign, not to exceed two square feet in area. In addition, multi-family developments ~~and parcels within the Commercial Office (CO) district in any district~~ may be permitted one monument sign not to exceed an area of 12 square feet, or 24 square feet with Design Review Board Planning Commission Chair approval. Wall signs shall be located below the roof edge or eave. Monument signs shall not exceed three feet in height, or up to six feet in height with Design Review Board Planning Commission Chair approval.

2. ~~Findings for approval. The approval of a Sign Permit in the residential and professional commercial office zoning districts shall require that the review authority first make all the following findings:~~

a. ~~The sign does not exceed the standards of this Division, and is of the minimum size and height necessary to enable motorists and pedestrians to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site; and~~

b. ~~The size, location, and design of the sign is visually complementary and compatible with the size and architectural style of the primary structures on the site, any prominent natural features of the site, and structures and prominent natural features on adjacent properties on the same street.~~

B. Commercial and industrial zoning district sign standards. Signs in the commercial and industrial zoning districts established by Section 36.200.020 (Zoning Map and Zoning Districts) shall comply with the requirements in Table 3-9. Notwithstanding, signs within the Downtown Specific Plan area shall comply with the sign requirements of the Downtown Specific Plan.

TABLE 3-9. SIGN STANDARDS FOR COMMERCIAL ZONES			
Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel
Outdoor Signs Visible from a Street			
Awning	Below roof (1)	Single tenant site: 3 of any combination of allowed sign types per primary building frontage. 1 of any allowed sign type per secondary frontage. Multi-Tenant Site: For a site or building with 2 or more tenants, 1 of any allowed sign type per business frontage.	Interior and/or corner parcel: 1 sf for each linear ft of primary building frontage (for buildings with multiple frontages, or a corner frontage such as within a shopping center, 1 sf for each linear foot of primary frontage plus 0.5 sf for each foot of one additional secondary frontage (i.e., rear, alley, or driveway frontage)). The total area of all signs on a single building frontage shall not exceed the total linear feet in that
Freestanding/ <u>Monument</u>	3 ft; 6 ft with <u>DRB Planning Commission Chair</u> approval (see Section 36.320.080.C)		
Projecting, Wall	Below roof (1)		
Suspended	Below eave/canopy; with lowest point of sign at least 8 ft above grade.		

TABLE 3-9. SIGN STANDARDS FOR COMMERCIAL ZONES			
Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel
			frontage. No more than 200 sf is allowed for each use.
Temporary/ Portable	See Sections 36.320.080. EE and 36.320.080. HJ .		
Window	See Section 36.320.080. JK		
Indoor Signs, and Outdoor Signs Not Visible from a Street			
Awning, Freestanding, Projecting, Suspended, Wall, Window	Below roof (1)	See Section 36.320.080, as applicable.	
Notes: (1) At least one foot below the top of a parapet, the sill of a second floor window, and/or the lowest point of any cornice or roof overhang.			

C. Review Criteria. When approving a Sign Permit or Master Sign Plan, the review authority shall ensure that:

- a. The sign does not exceed the standards of this Division; and**
- b. The size, location, and design of the sign is visually complementary and compatible with the size and architectural style of the primary structures on the site, any prominent natural features of the site, and structures and prominent natural features on adjacent properties on the same street.**

36.320.080 Standards for Specific Types of Signs.

Proposed signs shall comply with the following standards where applicable, in addition to the sign area and height limitations, and other requirements of Section 36.320.070 (Zoning District Sign Standards), and all other applicable provisions of this Division.

- A. Awning signs. *No changes are proposed to this section*
- B. Banners. *No changes are proposed to this section*
- C. Freestanding/monument signs. Freestanding/monument signs. The following standards apply to freestanding and monument signs in all zoning districts where allowed by Section 36.320.070 (Zoning District Sign Standards).
 1. Sign height is limited to three feet, except that the ~~Design Review Board~~ **Planning Commission Chair** may approve a sign with a maximum height of six feet where ~~it the Planning Commission~~ **Chair** determines that site or business visibility would be inadequate with a lower height.
 2. Sign width is limited to eight feet.
 3. A sign may be placed only on a site frontage adjoining a public street.
 4. Multiple signs shall be separated by a minimum of 75 feet to ensure adequate visibility for all signs. The Director may waive this requirement where the locations of existing signs on adjacent properties would make the 75-foot separation impractical.

5. The signs shall not project over public property, vehicular easements, or rights-of-way. Signs shall not obstruct traffic safety sight areas.
6. To assist emergency response personnel in locating the site, freestanding signs should contain an illuminated street address plate. Numbers should be a minimum of six inches in height. Address plates shall not be calculated as part of the allowed sign area.

D. Menu Boards. Eating and drinking establishments may display one (1) wall-mounted menu board sign per street frontage of the business with a maximum sign size of two square feet, either illuminated or non-illuminated. Such signs shall not require a sign permit.

DE. Off-site directional signs. Because of the City's compelling interest in ensuring traffic safety, and the City's interest in improving public convenience, off-site directional signs may be allowed in compliance with the requirements of this Subsection, and subject to the approval of a Sign Permit.

1. Where allowed. Directional signs may be approved within the commercial zoning districts, only on sites where:
 - a. The review authority determines that a property owner has taken advantage of all permanent signs allowed by this Division, and site visibility remains seriously impaired; and
 - b. The structure to which directions are being provided is on a lot that is located more than 150 feet from a predominant public street frontage, the site is developed with all other signs allowed by this Division, and the business entry and the other exterior signs allowed for the site by this Division are not visible from the predominant public street. The "predominant public street" shall mean the major vehicular route that provides access to the site and surrounding area.
2. Sign standards. An approved directional sign shall comply with all the following requirements.
 - a. Number, size, and height limitations. Only one off-site directional sign shall be allowed. The sign shall not exceed an area of four square feet, or a total height of six feet.
 - b. Design and construction standards. The appearance of the sign, including any graphics and/or text, will reflect attractive, professional design, and that the sign will be durable and stable when in place.
 - c. Placement requirements. The sign shall be placed only on private property, at the location specified by the Sign Permit.

EF. Portable sidewalk signs. Each business may display one portable sidewalk sign in compliance with the following standards and without a sign permit.

~~1. Required City approvals.~~

~~a. Design Review. The design of each portable sidewalk sign shall be approved by the Chair of the Design Review Board.~~

~~b. 1. Encroachment Permit.~~ An encroachment permit shall be obtained from the Public Works Department before any sign is placed in the public right-of-way. A public liability insurance policy, approved by the City attorney and naming the City of South Pasadena and its officers and employees as insured, shall be provided the City prior to issuance of an encroachment permit.

2. Sign size. Each sign shall not exceed a width of 2'-6". Sign height shall be limited to four feet, except that signs for businesses fronting on Fair Oaks Avenue and Huntington Drive may have a

height of five feet. Sign height shall be measured perpendicular from the sidewalk surface to the highest point of the sign.

3. Sign placement. A portable sidewalk sign shall be placed only within the boundaries of the applicable business' street frontage, and shall be positioned so that it will not:
 - a. Obstruct the sidewalk clearance required by the Americans with Disabilities Act (ADA).
 - b. Impede any line of sight for motorists at vehicular public right-of-way intersections, as recommended by the City Engineer.
 - c. Interfere with people exiting and entering parked cars.
4. Stabilization. The sign shall be stabilized to withstand wind gusts or must be removed during windy conditions.
5. Daily removal. The sign shall be removed from the sidewalk at the close of business.

FG. Projecting signs. The following standards apply to projecting signs in all zoning districts where allowed by Section 36.320.070 (Zoning District Sign Standards).

1. The maximum projection of a sign from a building wall over a public right-of-way shall not exceed 36 inches over a sidewalk, and 24 inches over a traffic way (e.g., an alley).
2. The maximum height of a projecting sign shall not exceed 14 feet, eave height, parapet height, or sill height of a second floor window, whichever is less. No portion of the sign shall project above the eave line of a sloped roof or the top of the parapet on a flat roof.
3. A projecting sign shall be installed to maintain a minimum clearance of eight feet from the bottom of the sign to the finished grade below.

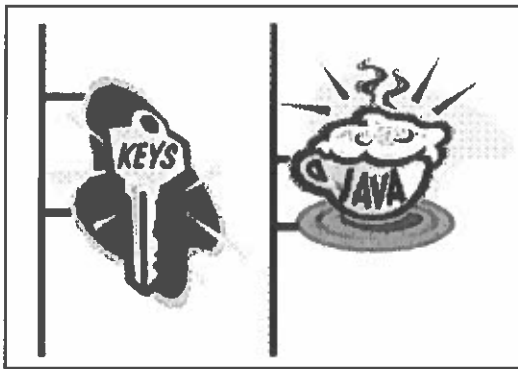


Figure 3-23. Use of Icons/Symbols

4. Icon signs using shapes or symbols uniquely suited to the business, creative shapes and three-dimensional signs are encouraged. See Figure 3-23.
5. The sign shall be graphically designed for pedestrians, with a maximum area of nine square feet on each sign face, regardless of the length of the building frontage.
6. Sign supports shall be ~~well-designed and~~ compatible with the design of the sign.

7. Interior illuminated boxed display signs ("can" signs) are prohibited.

GH. Suspended signs. The following standards apply to suspended signs in all zoning districts where allowed by Section 36.320.070 (Zoning District Sign Standards).

1. The bottom edge of a suspended sign shall not be closer than eight feet to a walking surface below.
2. Suspended signs shall not be internally illuminated. Indirect lighting may be allowed.
3. Lettering shall be limited to eight inches in height.

H. Temporary signs. Temporary signs are allowed in all zoning districts without a sign permit if the sign complies with subject to the following requirements.

1. Maximum area and height. Sign area shall not exceed six square feet and sign height shall not exceed 48 inches.
2. Number. No more than one temporary on-site sign shall be placed on any parcel. Temporary window signs shall be limited to 20 percent of the window area.
3. Duration. No temporary sign shall be in place for more than 30 days, and after removal, the site shall be free from temporary signs for a minimum of 30 days.

I. Wall signs. The following standards apply to wall signs in all zoning districts where allowed by Section 36.320.070 (Zoning District Sign Standards).

1. Wall signs may be located on the building frontage facade, and on any other building face where approved by the review authority.
2. The area of the largest wall sign shall not exceed seven percent of the area of the building facade on which the sign is mounted or painted, including the area of windows, doors, recesses, and the flat plane projection of sloping roofs.
3. The signs shall not project from the surface upon which they are attached more than required for construction purposes and in no case more than 12 inches.
4. The signs shall not project above the eave line or the edge of the roof of a building.
5. The signs shall not be placed so as to interfere with the operation of a door or window.

JK. Window signs. The following standards apply to window signs in all zoning districts where allowed by Section 36.320.070 (Zoning District Sign Standards).

1. Permanent window signs.
 - a. Signs shall be allowed only on windows located on the ground level and second story of a building frontage.
 - b. Permanent window signs shall not occupy more than 20 percent of the total window area.
 - c. Signage shall consist of individual letters, logos, or symbols applied to the glass surface; however, neon signs with transparent backgrounds may be hung inside the window glass line.

2. Temporary window signs. Temporary window signs ~~are may be~~ allowed without a sign permit if the sign complies with ~~subject to~~ the following requirements. ~~limitations~~.

- a. The signs may be displayed inside a window for a maximum of ~~45~~ 30 days.
- b. The area of the signs shall not exceed 20 percent of the total window area, including permanent signs.
- c. Signs shall only be located within the ground-floor windows of the structure.

36.320.110 Definitions.

As used in this Division, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

A-Frame Sign. See "Portable Sidewalk Sign."

Abandoned Sign. A sign that no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.

Awning Sign. A sign copy or logo attached to or painted on the valence of an awning.

Banner, Flag, or Pennant. Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

Bench Sign. Copy painted on a portion of a bench.

Blinking or Flashing Sign. A sign that contains an intermittent or sequential flashing light source.

Can Sign (Cabinet Sign). A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be internally illuminated.

Changeable Copy Sign. A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

Directional Sign. An on-site sign which is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.

Double-Faced Sign. A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes.

Electronic Reader Board Sign. A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.

Freestanding/Monument Sign. An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.

Ground Mounted Sign. A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. Includes monument signs and pole signs.

Illegal Sign. An illegal sign is any sign:

1. Erected without first complying with all regulations in effect at the time of its construction or use;

2. That was legally erected, but whose use has ceased, the structure upon which the display is placed has been abandoned by its owner, or the sign is not being used to identify or advertise an ongoing business for a period of not less than 90 days;
3. That was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display conforming has expired, and conformance has not been accomplished;
4. That was legally erected which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;
5. That is a danger to the public or is unsafe;
6. Which is a traffic hazard not created by relocation of streets or highways or by acts of the City; or
7. That pertains to a specific event, and five days have elapsed since the occurrence of the event.

Indirectly Illuminated Sign. A sign whose light source is external to the sign and which casts its light onto the sign from some distance.

Internally Illuminated Sign. A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

Marquee (Canopy) Sign. A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.

Menu Board. An incidental sign which is attached to the structure of an eating or drinking establishment (restaurant, pub, café, microbrewery, diner, dessert shop, bar, etc.) that typically displays available menu items and other incidental information for the establishment.

Moving Sign. A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

Nonconforming Sign. An advertising structure or sign that was lawfully erected and maintained prior to the adoption of this Zoning Code, but does not now completely comply with current regulations.

Obscene Sign. Signage when taken as a whole, which to the average person applying contemporary statewide standards, appeals to prurient interest and as a whole depicts or describes in a patently offensive way sexual conduct which lacks serious literary, artistic, political or scientific value.

Off-Site Directional Sign. A sign identifying a publicly owned facility, emergency facility, or a temporary subdivision sign, but excluding real estate signs.

Off-Site Sign. A sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premise as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premise, does not constitute the principal item for sale or manufactured on the premise.

Permanent Sign. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Pole/Pylon Sign. An elevated freestanding sign, typically supported by one or two poles or columns.

Portable Sign. A sign that is not permanently affixed to a structure or the ground.

Portable Sidewalk Sign. A temporary “a-frame” or “sandwich board” sign that is placed on a public sidewalk to advertise a nearby business.

Projecting Sign. A sign other than a wall sign suspending from, or supported by, a structure and projecting outward. Includes blade signs.

Roof Sign. A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.

Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product.

Sign Area. The entire area within a perimeter defined by a continuous line composed of right angles using no more than four lines which enclose the extreme limits of lettering, logo, trademark, or other graphic representation.

Suspended Sign. A pedestrian-oriented sign that is suspended from the underside of a canopy, arcade structure, or similar structure.

Temporary Sign. A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.

Vehicle Sign. A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

Wall Sign. A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

Window Sign. A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet of the window.

36.350.120 (Mixed Use Projects)

~~A. Applicability. The following provisions apply to commercial projects that integrate retail and/or office uses with residential uses on the same parcel.~~

~~B. Density. The maximum residential component of a mixed use project shall be 24 dwelling units per acre.~~

~~C. Location of uses. Commercial and residential uses within a mixed use project shall be fully separated, with residential units limited to the rear portion of the first story, and/or on the second and higher stories.~~

36.350.200 Residential Uses—Accessory Dwelling Units (ADUs).

A. Definitions. *No changes are proposed to this section.*

B. Applicability. *No changes are proposed to this section.*

C. Applications. Pursuant to Government Code Sections 65852.2 66316 and 66317 applications for accessory dwelling units shall be considered ministerially (staff-level approval based on objective standards) within 60 days after the application is deemed complete. **If the permit application for an**

accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the action on the accessory dwelling unit permit may be delayed until the city approves or denies the permit application to create the new single-family or multifamily dwelling, however, the accessory dwelling unit permit application shall be considered without discretionary review or hearing. The application for the creation of an ADU or JADU shall be deemed approved if the local agency has not acted on the application within 60 days from the date it is deemed complete. The application process and requirements shall be set forth in a written document provided by the Planning Department.

1. Timing of concurrent applications. An applicant may submit an application to construct an ADU concurrently with other proposed development, such as new construction of or an addition to an existing primary dwelling. The following shall apply in these cases:
 - a. New construction of primary dwelling unit, with attached ADU/JADU or detached ADUs. Approval of all applicable discretionary entitlements for the primary dwelling shall be required before the ADU/JADU application may be deemed complete and approved. ADU applications submitted prior to the construction of a primary dwelling unit which was subject to discretionary review and which conflict with the conditions of approval for the primary dwelling unit shall be denied unless the primary dwelling unit conditions of approval are first amended.
 - b. Conversions of existing accessory structures. The ADU application for conversion of a detached accessory structure may be approved within 60 days after it has been deemed complete, regardless of a concurrent application for an addition to the primary dwelling. If the conversion is a garage that removes existing parking, replacement parking for the primary structure shall not be required, and the proposed addition to the primary dwelling shall not require additional parking.
 - c. Additions to existing primary dwelling unit with proposed attached ADU/JADU. Approval of all applicable discretionary entitlements for the primary dwelling shall be required before the attached ADU/JADU application may be deemed complete and approved, unless the ADU application is for a conversion. See Subsection J below for historic properties.
 - d. Additions to existing primary dwelling unit with proposed detached ADU. The ADU application for a new construction detached ADU, or a conversion plus expansion of a detached accessory structure, shall be approved within 60 days after it has been deemed complete. If the application for an addition to the primary dwelling unit is deemed complete together with the ADU application, 800 square feet of the ADU shall be allowed to exceed the FAR and lot coverage in calculating the allowable floor area for the addition to the primary dwelling unit. If the ADU application includes a garage conversion that removes existing parking, replacement parking for the primary structure shall not be required, and the proposed addition to the primary dwelling shall not require additional parking.
 2. Prerequisite discretionary permits. Accessory dwelling unit applications shall not be deemed complete until all applicable discretionary prerequisites have been approved. Prerequisites may include tree removal permits, certificates of appropriateness, and hillside development permits.
- D. Ownership. An ADU ~~or may be sold or conveyed to low- or moderate-income persons separately from the primary dwelling unit in accordance with Government Code Sections 66340 and 66341, as may be amended from time to time, if the ADU is built or developed by a qualified nonprofit corporation meeting state law requirements. A JADU may not be owned or~~ be sold separately from the primary dwelling. The City may require a deed restriction in a form approved by the City Attorney to memorialize and enforce the restrictions set forth in state law.

1. JADU owner-occupancy required. The owner shall reside in either the remaining portion of the primary residence, or in the newly created JADU.
- E. Development standards for ADUs on single-family properties. The following standards apply to ADU development on a property that is not a historic property (see subsection (J) of this section for historic property standards). ADU development meeting the criteria of Government Code Section 66323(a)(1) through (4) shall not be subject to any objective development or design standards beyond those set forth in Government Code Section 66323.
1. Location.
 - a. Number of ADUs. One ADU, either attached or detached, and one JADU shall be allowed on a single-family property. Pursuant to Government Code Section 66323, a property owner may also convert an existing structure to an ADU, in addition to the ADU and JADU listed above.
 - b. Location on site. *No changes are proposed to this section*
 - c. Hillside locations. An ADU on a hillside property may be attached to or detached from the primary dwelling unit, in a location within, behind or underneath the primary dwelling, underneath a parking bridge even if it is closer to the front property line than the primary dwelling, or as a conversion of existing space. ~~A hillside development permit may be required, consistent with SPMC 36.340.~~
 - d. Location in front of primary dwelling. If 50 percent or more of the existing primary dwelling is located in the rear one-third of a property that is not a historic property, an attached or detached ADU shall be allowed in front of the primary dwelling as follows:
 - i. Ministerial review (staff approval). For an ADU that is one story, not more than 850 square feet for a unit with up to one bedroom or 1,000 square feet if the unit includes two or more bedrooms, and maximum 16 feet in height.
 - ii. ~~Design Review Board Planning Commission Chair~~ approval. For an ADU that exceeds the standards of subsection (E)(1)(d)(i) of this section, and is no more than 1,200 square feet in size and maximum two stories not to exceed a height of 18 feet for a flat roof, plus a one-foot parapet, and 22 feet for a pitched roof.
 - e. Standards for ADUs in front of primary dwelling. *No changes to this section*
 2. Floor Area. Floor area of an ADU that exceeds the property's lot coverage and floor area ratio (FAR) requirements shall be permitted as required by Government Code ~~65852~~ 66321 and as specified in this subsection. An ADU which is proposed to exceed lot coverage and floor area ratio (FAR) as described below shall not be approved, unless the size is reduced to comply with this subsection. For purposes of development of other structures on the property, the floor area of an existing ADU shall be counted in the calculation of the property's total lot coverage and floor area ratio, except that when an existing garage has been converted or partially converted to an ADU and no other garage has been or is proposed to be constructed on site; up to 500 square feet of such garage conversion shall not be counted toward lot coverage and floor area ratio.
 - a. New construction attached ADU. *No changes are proposed to this section*
 - b. New construction detached ADU. *No changes are proposed to this section*
 - c. Conversion ADUs. *No changes are proposed to this section*

- d. Junior accessory dwelling units (JADUs). *No changes are proposed to this section*
- 3. Height limits. The maximum height of an attached or detached new accessory dwelling unit shall not exceed the following limits, **subject to Government Code Section 66321(4)(B)**. For purposes of this section, "story" shall mean a distinct level of living space, excluding loft area that is open to living space below:
 - a. For a one-story ADU: 16 feet to top of parapet or pitched roof. **A height of 18 feet may be allowed for a detached accessory dwelling unit on a lot with an existing or proposed single-family dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height may be allowed to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.**
 - b. *No changes are proposed to this section*
 - c. For a conversion ADU (without an expansion): the height of the existing structure.
 - d. **A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling." (Govt. Code Section 66321(b)(4)(D)).**
 - e. **Notwithstanding the maximum height requirements, in no case shall an accessory dwelling unit exceed two stories.**
- 4. Setbacks. *No changes are proposed to this section.*
 - a. *No changes are proposed to this section*
- 5. *No changes are proposed to this section*
- 6. Standards for JADUs (see also subsection (I) of this section). *No changes are proposed to this section*
 - a. *No changes are proposed to this section*
 - b. *No changes are proposed to this section*
- F. Development standards for ADUs on multifamily and mixed-use properties. **ADU development meeting the criteria of Government Code Section 66323(a)(1) through (4) shall not be subject to any objective development or design standards beyond those set forth in Government Code Section 66323.**
 - 1. Where these standards conflict with the design standards set forth in subsection (J) of this section for historic properties, the standards set forth in subsection (J) of this section shall control.
 - 2. Number of detached ADUs. Not more than ~~two~~ **eight** detached accessory dwelling units may be located on lots with an **existing** multifamily dwelling, **provided that the number of accessory dwelling units shall not exceed the number of existing units on the lot. On a lot with a proposed multifamily dwelling not more than two detached accessory dwelling units shall be permitted.**
 - 3. Setbacks. An accessory dwelling unit shall comply with the front yard setback requirements of the applicable zoning district (see Article 2, Zoning Districts, Allowable Land Uses, and Zone-Specific

Standards), except that no setback shall be required for the conversion of an existing structure, and a setback of no more than four feet from the side and rear lot lines shall be required for new construction.

34. Detached ADU standards. The accessory dwelling units shall maintain four-foot side and rear yard setbacks, and shall not exceed ~~46~~18 feet for a one-story structure or, for a two-story structure, 18 feet for a flat roof, plus a one-foot parapet, or 22 feet for a pitched roof. A height of 18 feet may be allowed for a detached accessory dwelling unit on a lot with an existing or proposed multi-family dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height may be allowed to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
5. Attached ADU standards. A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling.” Govt. Code Section 66321(b)(4)(D).
6. Conversion ADUs. Non-livable space within the existing building envelope on lots with a multifamily dwelling, including storage rooms, boiler rooms, passageways, attics, basements, or garages, may be converted into accessory dwelling units if each unit complies with State building standards for dwellings and on the condition that the number of accessory dwelling units created do not exceed 25 percent of the number of existing multifamily dwelling units, or at least one unit, including the accessory dwelling units created. The term “livable space” shall have the meaning set forth in Government Code Section 66313(e) as it may be amended from time to time.
- G. Development standards applicable to ADUs on all properties. ADU development meeting the criteria of Government Code Section 66323(a)(1) through (4) shall not be subject to any objective development or design standards beyond those set forth in Government Code Section 66323.
 1. Two-story ADUs. Except as approved by the ~~Design Review Board Planning Commission Chair~~ pursuant to subsection (E)(1)(d) of this section, a two-story ADU shall comply with the following standards as applicable unless otherwise exempted by state law. Where these standards conflict with ADU design standards set forth in subsection (J) of this section for historic properties, the standards set forth in subsection (J) of this section shall control.
 - a. Windows. Where primary dwelling units are not allowed to build within six feet of the property line, the following shall be required: on second-floor elevations with setback less than six feet from a property line shared with adjacent residential parcels, only fixed windows, or fixed panes of a window assembly, composed of plain obscured glass (such as frosted) with no color shall be placed in the area up to five feet above the interior floor height. Any clear window or window pane on these elevations shall be placed so that the bottom of the clear glass is at least five feet above the interior floor height.
 - b. Balconies. Balconies shall only be allowed on elevations facing the interior of the property, e.g., facing the primary dwelling and/or the back yard area directly behind the primary dwelling. In the case of an ADU on a corner lot, a balcony may face the adjacent street.
 - c. Setbacks for second floor. The second floor of an ADU shall be set back a minimum of four feet from the side and rear property lines.

- i. Notwithstanding the above, a second-floor ADU proposed above an existing accessory structure shall be allowed to maintain the same setback as an existing wall provided the wall is at least three feet from the property line.
- d. Second-floor articulation. Thirty percent of the side and rear wall plane above the first floor shall be articulated with minimum 18-inch recesses.
- 2. Separate entrance. An attached ADU shall have an outdoor entrance that is separate from the primary dwelling.
- 3. Interior facility requirements. An ADU shall provide living quarters independent from the primary dwelling, including living, sleeping, permanent provisions for cooking and a bathroom.
- 4. Utilities. An ADU may have shared or separate utility services (e.g., an electrical and/or gas meter) from the primary dwelling.
- 5. Mechanical equipment. Outdoor equipment associated with electric split or mini-split heating and cooling systems dedicated solely to an attached or detached ADU may be placed in the rear yard setback area.

H. Parking.

- 1. Exemptions. With the exception of subsection (I)(1) of this section, no off-street parking shall be required for an ADU or JADU if:
 - a. The ADU is located within one-half mile walking distance of a bus stop or light rail station.
 - b. When on-street parking permits are required but not offered to the occupant of the ADU.
 - c. The ADU is within a historic district or an eligible historic district, or a designated historic property, as identified by the National Register for Historic Places, the California Register for Historic Places, or the City's Cultural Heritage Ordinance.
 - d. The ADU or JADU is within the existing primary dwelling.
 - e. There is a car share vehicle located within one block of the ADU.
- 2. Parking required. Parking shall be required for an accessory dwelling unit under the following conditions (see also subsection (I)(1) of this section):
 - a. If the ADU does not qualify for an exemption based on the list above, in which case one off-street parking space shall be required.
 - b. If the ADU or ADUs are within a multifamily property, in which case one off-street parking space shall be required per three accessory dwelling units, or fraction thereof. The requirement shall be cumulative if ADUs are built sequentially.
- I. High risk fire areas. The areas of the City defined as "high risk fire areas" pursuant to SPMC 14.1 are subject to additional requirements for parking and fire sprinklers due to topographic and climatic conditions which create public safety risks, including accessibility of fire apparatus on narrow streets, and delay times in evacuation and response due to accessibility challenges. Requiring parking on site is intended to reduce parking on the narrow streets, in order to increase accessibility of fire apparatus and facilitate evacuation; use of fire sprinklers in new development helps control the spread of small fires, which promotes effectiveness in controlling a fire in early stages, allowing for responding fire apparatus and suppression crew to arrive on scene and deploy industry-standard preconnected 250-foot hose lines or standard hose packs as necessary to reach and defend

occupants and structures. Based on these findings of public safety necessity, proposed ADUs and JADUs in the high risk fire area shall be subject to the following additional requirements:

1. **Parking.** If the property is located adjacent to a narrow street, defined as a street with a width of less than 28 feet, one off-street parking space shall be provided. The ADU may not displace existing parking for the primary residence. Notwithstanding, a garage may be converted to an ADU if all removed parking spaces are provided elsewhere on the property for the primary dwelling in addition to the parking space to be provided for the ADU.
 2. **Fire sprinklers.** Fire sprinklers shall be required.
 3. **Distance from front property line.** A detached ADU shall be located within 150 feet of the front property line in order to facilitate emergency fire access, including deployment of an industry-standard, preconnected 250-foot hose line. Notwithstanding, for flag lots, for the purpose of deploying industry-standard hose packs, the ADU may be located within 100 feet of a dry standpipe installed on the property with approval of the Fire Chief.
- J. **Design standards for historic properties.** **ADU development meeting the criteria of Government Code Section 66323(a)(1) through (4) shall not be subject to any objective development or design standards beyond those set forth in Government Code Section 66323.**
1. **Applicability.** ADUs proposed for development on a historic single- or multifamily property shall comply with the design standards set forth in this subsection and the South Pasadena Design Guidelines for ADU Development on Historic Properties. The following types of ADUs are permitted on historic properties:
 - a. Conversion of an existing accessory structure, with or without additional floor area.
 - b. New construction of a detached ADU.
 - c. JADUs within the envelope of the existing primary dwelling, consistent with the requirements of subsection (J)(8)(f) of this section.
 2. **Exemptions.** Detached ADUs and accessory structure additions on a historic property that are not visible from the public right-of-way are not subject to compliance with this subsection or the South Pasadena Design Guidelines for ADU Development on Historic Properties. Visibility from the public right-of-way for this purpose shall be determined as follows:
 - a. Visibility of the structure from the street immediately in front of and within 10 feet on either side of any street-adjacent property line(s). This shall include both adjacent streets for corner properties. An alley is not considered a public right-of-way for this purpose.
 - b. Vegetation, gates, fencing, and any other landscaping elements shall not be considered in determining visibility from the public right-of-way.
 3. **Procedures.** Detached ADUs subject to requirements of this subsection shall require ministerial (staff-level) approval, except in the following instances:
 - a. Cultural Heritage Commission (CHC) review and approval. CHC review and approval shall be required if an application proposes new construction of a detached ADU or additions to an existing accessory structure if the proposed ADU does not comply with the standards set forth in this subsection (J).
 4. **Location.**

- a. New construction, detached ADU. Detached ADUs shall be located at the rear of the property, except as provided in subsection (J)(4)(b) of this section.
 - b. New construction, detached ADU in front of primary dwelling. If 50 percent or more of the primary dwelling is located at the rear one-third of a property and there is no other location on the property in which a maximum 800-square-foot ADU could be added, a detached ADU shall be allowed in front of the primary dwelling, in compliance with subsections (E)(1)(e) and (J)(8) of this section and with the following:
 - i. ADUs proposed in front of the primary dwelling shall not be placed in a manner that blocks visibility of more than 50 percent of the front/primary facade (the facade containing the main entrance) from the public right-of-way, using the definition of visibility provided in subsection (J)(2) of this section.
 - ii. The ADU shall not be placed in such a manner that the main entrance to the primary dwelling is not visible from the public right-of-way.
 - iii. The maximum size of the ADU in front of the primary dwelling shall be 800 square feet.
 - iv. The maximum height of the ADU in front of the primary dwelling shall be ~~16~~ 18 feet.
 - c. Accessory structure additions. If an accessory structure is subject to the provisions of this subsection (J), the addition shall not be attached to the front facade (the facade containing the main/vehicular entrance) of the accessory structure.
5. Size and height limits. ADUs shall comply with the size and height standards set forth in subsection (E)(3) of this section as well as the following, in order to avoid an adverse impact on the historic property. In case of conflict, these standards shall apply:
- a. The height of the ADU shall not exceed the height of the primary dwelling, with the following exception:
 - i. Even if the primary dwelling is less than 16 feet in height, the ADU shall be permitted to have a maximum height of 16 feet.
 - b. Two-story ADUs shall be permitted up to 18 feet in height for a flat roof, plus a one-foot parapet, or 22 feet in height for a pitched roof, as long as the ADU is lower than the height of the primary dwelling. Two-story ADUs shall only be permitted when the primary dwelling is two stories in height, with the following exception:
 - i. If the historic property is on a hillside lot and contains a one-story primary dwelling, a two-story ADU shall be permitted if the ADU is located downslope and at the rear of the property so that it is still lower than the height of the primary dwelling as viewed from the public right-of-way.
6. Demolition of accessory structures.
- a. For an ADU proposal involving the demolition of an existing accessory structure older than 45 years of age, the staff-level Historic Resource Evaluation Report is required to determine if the existing accessory structure constitutes a character-defining feature of the property. An accessory structure that has been determined to be a character-defining feature of a historic resource shall not be demolished in order to construct an ADU. Such accessory structure shall be subject to the standards set forth in SPMC 2.67, South Pasadena Cultural Heritage Ordinance (Ordinance No. 2315).
7. Architectural style.

- a. A new construction detached ADU subject to the requirements of this subsection (J) shall be designed as a simplified stylistic variation of its primary dwelling through the incorporation of the design elements listed in subsections (J)(8) and (9) of this section, and the South Pasadena Design Guidelines for ADU Development on Historic Properties.
 - b. Exterior changes to an existing accessory structure subject to the requirements of this subsection (J) shall comply with relevant requirements listed in subsections (J)(8) and (9) of this section, and the South Pasadena Design Guidelines for ADU Development on Historic Properties.
8. Required design elements.
- a. Roof type/pitch for new construction detached ADUs and accessory structure additions. The roof type (flat, gable, hipped) shall match the primary dwelling or existing accessory structure (if attached to the accessory structure). The roof pitch (low, medium, steep) shall be similar to the primary dwelling/existing accessory structure and within the roof pitch range that is appropriate for the architectural style of the dwelling/structure as specified in the Design Guidelines for ADU Development on Historic Properties.
 - b. Roof material. New roof materials for a new construction detached ADU or an accessory structure conversion/addition shall match the primary dwelling or the existing accessory structure (if attached to the accessory structure), with the following exceptions. Vinyl tiles and cement shakes are prohibited.
 - i. Composition shingle roofing is an acceptable alternative to wood shingle.
 - ii. Cement tile roofing is an acceptable alternative to clay tile.
 - iii. Solar shingle roofing is an acceptable alternative to asphalt composition or wood shingle roofing.
 - c. Wall cladding type/material. New cladding material (wood, wood composite, stucco, masonry) and orientation (horizontal or vertical) for a new construction detached ADU or an accessory structure conversion/addition shall substantially match the primary dwelling or the existing accessory structure (if attached to the accessory structure). Cladding shall be differentiated from the primary dwelling/existing accessory structure cladding through color, profile, width, and/or texture.
 - d. Door type/material. New doors shall be made of the same or similar materials as those of the primary dwelling or the existing accessory structure (if attached to the accessory structure).
 - i. Accessory structure conversions/additions. Existing garage doors may be replaced with new doors or infilled; provided, that the framing to the original opening is preserved.
 - e. Window type/material. New windows shall have the same orientation (vertical or horizontal) as the predominant window type on the primary dwelling or the existing accessory structure (if attached to the accessory structure). New windows shall be made of the same or similar materials as those of the primary dwelling/existing accessory structure. No window with any exposed vinyl material in whole or in part shall be permitted.
 - f. Entrances and new windows in junior accessory dwelling units (JADUs). JADU entrances and new windows, if required by building code, shall be located on a secondary (non-street facing) facade, or the facade that does not contain the main entrance to the primary dwelling (if on a corner lot property), where feasible.

9. Optional design elements. The following design elements shall be acceptable on the ADU if they are present on the primary dwelling/existing accessory structure: dormers, bay windows, arched windows, and shutters. If these elements are not present on the primary dwelling/existing accessory structure, they shall not be permitted on the ADU.
- K. Short-term rentals. An accessory dwelling unit shall not be rented out for a period of less than 30 days. The City may require a deed restriction to enforce this limitation, in a form approved by the City Attorney.
- L. Fees. An accessory dwelling unit application must be submitted to the City along with the appropriate fee as established by the City Council by resolution in accordance with applicable law.
1. The City may impose a fee on the applicant in connection with approval of an ADU for the purpose of defraying all or a portion of the cost of public facilities related to its development, as provided for in Government Code Sections ~~65852.2(f)(4)~~ 66324(a) and 66000(b).
 2. The City will not consider an ADU to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was part of an application for a new single-family dwelling.
 3. The City shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. Units that are deed restricted, that rent can be no more than 80 percent of area median income (AMI), are exempt from impact fees.
 4. The City shall collect school impact fees pursuant to the State law for development of an ADU or JADU.
- M. Certificate of occupancy. A certificate of occupancy for an ADU or JADU shall not be issued before the issuance of a certificate of occupancy for the primary dwelling.

36.375.060 Alternatives to On-Site Provision.

As an alternative to developing required inclusionary units within an affected residential project, the requirements of this division may be satisfied by the following ~~as applicable to the size of the project~~:

- A. For ~~rental projects of three or four units or for~~ any ownership project: payment of an in-lieu fee as established by City Council resolution and updated from time to time as deemed appropriate, subject to the provisions of SPMC 36.375.110 (In-Lieu Fee Payment and Administration).
- B. For any rental projects ~~of five or more units~~, the applicant may choose one of the following, subject to Planning Commission approval:
1. Provision of an equivalent number of off-site units consistent with SPMC 36.375.050 (Inclusionary Unit Requirement) above, subject to the provisions of SPMC 36.375.100(A) (Deed restriction). The following shall apply to this alternative:
 - a. The off-site units shall be located on a property within 1,500 feet of the proposed project, or in a comparable neighborhood as determined by the Planning Commission.
 - b. The affordable units shall be of comparable size and quality to the market rate units in the proposed project and subject to the relevant standards in SPMC 36.375.070 (Standards Governing Inclusionary Units).

2. Rehabilitation/conversion of an equivalent number of existing units to affordable units consistent with SPMC 36.375.050 (Inclusionary Unit Requirement) above, subject to the provisions of SPMC 36.375.100(A) (Deed restriction). The following shall apply to this alternative:
 - a. The acquisition and rehabilitation shall be applied to market rate units within the City and the conversion of those units to affordable units;
 - b. Eligible improvements. The rehabilitation of the market rate units shall improve the units' structural integrity and livability to include improvements to the roofing, flooring, plumbing, heating, and air conditioning as applicable.
3. Dedication of land that is zoned and developable for housing, subject to City Council acceptance, greater or equal to the average cost of construction of the units within the project, with the valuation subject to Planning Commission approval.

• **Article 4 Zoning Approval Procedures**

36.400.020 Authority for Land Use and Zoning Decisions.

Table 4-1 (Review Authority) identifies the City official or body responsible for reviewing and making decisions on each type of application, land use permit, and other approvals required by this Zoning Code. **For Cultural Heritage Commission, see SPMC Chapter 2 (Administration).**

TABLE 4-1. REVIEW AUTHORITY						
Type of Decision	Procedure is in Section:	Role of Review Authority (1)				
		Director	DRB (2)	<u>CHC (3)</u> <u>PC Chair</u> <u>(2)</u>	Planning Commission	City Council
Administrative Modification	36.410.070	Decision (43)		-	Appeal	Appeal
Administrative Use Permit	36.410.060	Decision (43)		-	Appeal	Appeal
Affordable Housing Review	36.370			-	Decision	Appeal
CEQA Certification/ Adoption	36.400.070			<u>Certify (6)</u>	Certify (54) (6)	Certify (54) (6)
Certificate of Appropriateness	See Municipal Code	-	-	Decision (9)	-	Appeal
Conditional Use Permit	36.410.060			-	Decision	Appeal
Density Bonus Review	36.370	Decision		-		
Design Review (65)	36.410.040	<u>Decision</u>	Decision	<u>Decision</u>	Appeal	Appeal
Design Review for Mixed-Use or Multi-Family of 7 dwelling units or more, or Not-Exempt from CEQA (75)	36.410.040		Sub-committee (10)	-	Decision	Appeal
Development Agreement	36.430			-	Recommend	Decision
Emergency Shelters	36.350.250	Decision		-		
General Plan Amendment	36.620			-	Recommend	Decision
Hillside Development Permit – New structures	36.410.065			-	Decision	Appeal
Home Occupation Permit	36.410.030	Issued		-		
Ministerial Review	<u>36.410.040</u>	<u>Decision</u>			<u>Appeal</u>	
Minor Design Review	36.410.040	Decision (42) , (8)		-	Appeal	Appeal
Minor Hillside Development Permit – Modifications to	36.410.065	<u>Decision</u>		<u>Decision</u>	Appeal	Appeal

TABLE 4-1. REVIEW AUTHORITY

Type of Decision	Procedure is in Section:	Role of Review Authority (1)				
		Director	DRB (2)	CHC (3) PC Chair (2)	Planning Commission	City Council
existing structures (7)						
Parking Use Permit	36.410.090	Decision		-	Appeal	Appeal
Planning Clearance	36.410.020	Issued		-		
Planned Development Permit	36.410.100			-	Decision	Appeal
Reasonable Accommodation	36.400.110	Decision		-	Appeal	Appeal
Sign Permit (8)	36.320	Decision	Decision	<u>Decision</u>	Appeal	Appeal
Single Room Occupancy	36.350.260	Decision		-		
Specific Plan	36.440			-	Recommend	Decision
Temporary Use Permit	36.410.050	Issued		-		
Valet Parking Use Permit	36.310.111			-	Decision	Appeal
Variance	36.410.080			-	Decision	Appeal
Zoning Text Code Amendment	36.620			-	Recommend	Decision
Zoning Code Interpretation	36.110	Decision (43)		-	Appeal	Appeal
Zoning Map Amendment	36.620			-	Recommend	Decision

Notes:

(1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Division 36.610 (Appeals); and "Issued" means the nondiscretionary permit shall be granted by the Director.

~~(2) "DRB" means the Design Review Board. (See SPMC 36.410.040.)~~

~~(3) "CHC" means the Cultural Heritage Commission. (See Municipal Code.)~~

~~(2) PC Chair means the Chair of the Planning Commission or his/her designee (See 36.410.040.D.2).~~

~~(43) The Director may defer action on zoning approval applications and refer the items to the Commission for the final decision. In a similar manner, the Director may defer action on a Design Review application and refer the item to the DRB for the final decision.~~

~~(54) The Planning Commission and Cultural Heritage Commission shall certify/approve the CEQA documents, except in those instances where the Council has final review authority for the application, in which case the Planning Commission and/or Cultural Heritage Commission provide recommendation on the CEQA documents to City Council. When a Certificate of Appropriateness is part of a project that requires Planning Commission approval, the Cultural Heritage Commission is the recommending body to~~

TABLE 4-1. REVIEW AUTHORITY						
Type of Decision	Procedure is in Section:	Role of Review Authority (1)				
		Director	DRB (2)	CHC (3) PC Chair (2)	Planning Commission	City Council
the Planning Commission for the Certificate of Appropriateness and associated CEQA and technical documents relating to historic resources.						
(65) Design Review of all structures is required pursuant to SPMC 36.410.040.						
(76) CEQA means the California Environmental Quality Act.						
(8) Decision is by the Planning Director or Chair of the Design Review Board.						
(9) If a Certificate of Appropriateness is associated with an application requiring approval by the Planning Commission, the Cultural Heritage Commission shall be the recommending body to the Planning Commission for the Certificate of Appropriateness and the associated environmental and technical documents relating to historic resources (see SPMC 36.400.030).						
(10) A subcommittee (two members) of the Design Review Board shall work with staff in reviewing the design component of the project.						
<u>(7) For Minor Hillside Development Permits, the Director reviews applications for up to 500 square feet of additional floor area; the PC Chair reviews applications that exceed 500 square feet of additional floor area.</u>						
<u>(8) Signs on historic buildings shall require approval by the chair of the CHC. (See also 36.320.070.A.1 and Table 3-9)</u>						

36.400.040 Application Preparation and Filing.

The preparation and filing of applications for zoning approvals, amendments (e.g., General Plan, Zoning Code, Zoning Map, and specific plan), and other matters pertaining to this Zoning Code shall comply with the following requirements:

A. Pre-application review.

1. A prospective applicant or agent is strongly encouraged to request a pre-application review with the Department before completion of project design and the formal submittal of a zoning approval application.
 - a. If the project is for development on slopes of 20% or greater ~~than 30 percent~~, a pre-application review is required prior to applying for the Hillside Development Permit.
2. A pre-application review, accompanied by preliminary project plans and designs and the required filing fee, will be reviewed by affected City departments and other selected agencies.
3. The reviewing City staff members will inform the applicant of requirements as they apply to the proposed project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible alternatives or modifications to the project, and identify any technical studies that may be necessary for the environmental review process when a formal application is filed.
4. Neither the pre-application review nor information and/or pertinent policies provided by the Department shall be construed as a Department recommendation for approval or disapproval of the application or project.

B. Application contents and fee. *No changes are proposed to this section*

C. Eligibility, filing. *No changes are proposed to this section*

D. Filing date. *No changes are proposed to this section*

~~36.400.045 Major Project Review.~~

~~The purpose of the major project review is to allow the City to review major projects in an efficient and expeditious manner with the support of qualified, independent planning consultants. In furnishing project-specific expertise and planning services, the consultants are acting as independent contractors; are to furnish such services in their own manner and methods; have no conflicts of interest with the City or applicant; and are in no respects to be considered officers, employees, servants or agents of the City.~~

~~A. Definition. Major project reviews will be required for the following projects:~~

- ~~1. Master plans or amendments to master plans;~~
- ~~2. Multi-family projects consisting of seven or more dwelling units;~~
- ~~3. Projects involving new construction of more than 10,000 square feet of nonresidential gross floor area;~~
- ~~4. General Plan amendments;~~
- ~~5. Zoning Code amendments; or~~
- ~~6. Other complex projects at the discretion of the Planning and Community Development Director.~~

~~B. Procedures.~~

- ~~1. Scheduling. Within 10 days of receipt of a project application by an applicant, the City shall determine whether the proposed project requires a major project review.~~
- ~~2. Assigned consultant. If the City determines that a proposed project falls within the definition of major project, the City will assign a consultant under contract with the City and with the appropriate planning expertise to facilitate the major project review. At the conclusion of the major project review, the City will make the final determination with respect to the review by ultimately exercising its independent judgment on the proposed project and its related entitlements in compliance with all applicable federal, state, and local laws and regulations.~~
- ~~3. Fee. The applicant shall be responsible to reimburse the City for the actual cost of the major project review.~~
- ~~4. Deposit of estimated fee. Upon request for eligible major project review, staff will provide a written estimate to the applicant for the cost of the consultant plus a 10 percent administrative fee for the administrative cost associated with the City implementing the major project review of the applicant's project. Prior to initiation of the major project review the applicant shall advance 50 percent of the total estimated fee amount to the City as a deposit. The City will draw funds from the deposited account as needed to reimburse the cost of the consultant plus the 10 percent administrative fee. City shall maintain a written record of accounting of the balance of the deposited~~

~~account. Applicant shall deposit the remaining 50 percent estimated fee when notified to do so by staff. Applicant shall deposit any additional funds necessary to complete the major project review, as determined by the Director. City shall not perform major project reviews unless sufficient funding, as determined by the Director, is on deposit with the City for this purpose. Upon the completion of the major project review, the City's discretionary action on the proposed project, and payment in full of the City's costs of the consultant, any funds remaining unused in the applicant's deposited account shall be returned to the applicant.~~

- ~~5. Filing date. The filing date of an application requiring major project review shall be the date on which the Department receives the last submission of all materials required in compliance with SPMC 36.400.060 and this section and deposits of all fees required by subsection (B)(4) of this section and deemed complete by the Director.~~

36.400.070 Environmental Assessment

After acceptance of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) ~~and the South Pasadena Environmental Review Guidelines.~~

36.410.020 Planning Clearances

A. Purpose of section. *No changes are proposed to this section*

B. Applicability. Generally, any project requiring a building permit in compliance with the Uniform Building Code that will result in additional floor area requires a planning clearance to determine compliance with this Zoning Code. It is at this point that the Department staff advises the property owner or applicant, if not the property owner, of further approvals that may be needed. If no further approvals are needed, the project may then proceed to the building permit process.

1. Planning clearance required. *No changes are proposed to this section*

a. Specifically, a planning clearance shall be required for:

- (1) The use of vacant nonresidential land or structures, which shall be filed at least 14 days before the date the use is to be commenced;
- (2) A structure which is to be erected or remodeled, which shall be filed in conjunction with the companion Building Permit application; and:
 - i. Tree removals and trimming. Should a specific development project require the removal of trees, or the trimming of trees, no building permits shall be issued until the property owner, or applicant if not the property owner, obtains a permit pursuant to Chapter 34 SPMC (Trees and Shrubs).
 - ii. Penalty for tree violations. Pursuant to SPMC 34.16 (Violations) of Chapter 34 SPMC (Trees and Shrubs), it is unlawful for any person to remove or transplant any significant or mature heritage tree, a significant or mature native species tree, or a significant or mature oak tree from any property within the City unless a tree removal permit is first obtained from the City. It is unlawful for any person to trim or prune more than 20 percent of the live foliage or limbs of any significant or mature heritage tree located within the City within any 12-month period, or cause the same to be done, without first obtaining a tree trimming permit from the City. It is unlawful for any person to trim or prune more than 10 percent of the live foliage or limbs of any significant or mature oak or significant or mature native species tree located within the City within any 12-month period, or cause the same to be done, without first obtaining a tree trimming permit from the City. It is unlawful for any person to damage or cause to be damaged any significant or mature heritage tree, a significant or mature oak tree, or a significant or mature native species tree located within the City.

It is unlawful for any person to remove any significant or mature tree or shrub from the parkway area between a sidewalk or private property line and street curb, without the written permission of the Public Works Director or designee.

With respect to a violation of Chapter 34 SPMC (Trees and Shrubs), and pursuant to SPMC 34.17 (Penalties), if it appears that the violation is related to development or anticipated future development on the property and the violation warrants an additional penalty, the City Manager may also refer the violation to the Planning Commission for a public hearing. The burden of proof shall be on the City to demonstrate that there is clear and convincing evidence to a reasonable certainty that there is an intentional violation. The Planning Commission may then hold a public hearing. The Planning Commission, after considering all of the evidence, may impose the additional penalty of prohibiting the issuance of building or construction-related permits for a period of up to five years from the date of the violation for the property upon which the violation occurred.

- iii. For purposes of this section, the prohibition period for issuance of building permits shall commence on the date the City had actual knowledge of the violation. The owner shall have the burden of proving an earlier commencement date, if entitlement to an earlier date is claimed.
- iv. Notwithstanding the aforementioned penalty, building or construction-related permits may be issued if in the opinion of the Director ~~of Planning and Building~~ they are necessary for the preservation of public health, safety or welfare.

(3) A change of ownership or tenancy of an existing nonresidential structure or use, which shall be filed before reuse or reopening under the new ownership or business name.

- b. Following the occurrence of a bona fide emergency (e.g., natural disaster, etc.), as determined by the Council, an Emergency Building Permit and Temporary Planning Clearance may be issued by the appropriate City departments with adequate security, provided in compliance with Section 36.420.030 (Performance Guarantees), in order to provide for an expeditious zoning approval review and reconstruction process.
 - c. No person shall occupy or use any newly constructed or altered structure, alter any structure, or change any use, or type or class of use, without first applying for and obtaining the required Planning Clearance.
2. Business License required. A Business License is required for all nonresidential (e.g., commercial office and retail, industrial, etc.) activities in compliance with Municipal Code Chapter 18 (Business, Professions and Trades).

C. Review authority. *No changes are proposed to this section*

D. Conflicting licenses and zoning approvals prohibited. *No changes are proposed to this section*

36.410.040 Design Review.

A. Purpose. *No changes are proposed to this section*

B. Applicability.

- 1. Required review. The exterior impacts of all projects within the following categories are subject to Design Review.

- a. Residential development. Any single-family and multi-family residential project that requires a Building Permit for any exterior construction or modification.
 - b. Commercial and industrial development. Any project involving the construction of, or exterior change to, any structure, landscaping, or permanent signs on a parcel or lot zoned commercial and/or industrial.
2. Exemption from review. All projects within the following categories shall be exempt from the provisions of this section.
- a. All construction, work, or labor on structures or for replacement or repair, which uses the same materials and colors and which does not alter the design of the structure, including re-roofing of like-for-like material and where no structural modifications are required;
 - b. Emergency shelters;
 - c. Single room occupancy
 - d. Accessory Dwelling Units.**
- C. Application filing and processing.
- 1. Submittal requirements. Application for consideration of Design Review shall be made to the **Planning** Director on the application form provided by Planning Division, shall be accompanied by the required filing fee, and shall include such information and documents required in the Design Review Submittal Checklist form provided by the **Planning** Director.
 - 2. Retention of materials. All application materials shall be retained by the City to ensure full compliance with all formal Design Review decisions.
- D. Design Review Authority.
- 1. Planning Commission review. The Planning Commission **shall** ~~will~~ be responsible for the Design Review of the following developments:
 - a. As identified in subsection (B) (Applicability) of this section, all developments which require a Hillside Development Permit, a Conditional Use Permit, a Variance, a Planned Development Permit, **or any combination thereof;**
 - b. Multifamily developments containing seven or more units, **that are not subject to ministerial review (SPMC Section 36.410.040.D.5);**
 - c. Multifamily developments containing six or fewer units not exempt from CEQA;
 - d. **For commercial and industrial structures: Additions of more than 3,000 square feet to existing structures, or any new structure of more than 3,000 square feet.**
 - e. New Single-family structures**
 - df.** Any other application in which the Planning Commission is **identified in the Zoning Code as the Review Authority for design review.**
 - ~~2. Cultural Heritage Commission (CHC) review. The CHC will be responsible for the Design Review of the following:~~

~~a. All of the developments identified in subsection (B) (Applicability) of this section which require a Certificate of Appropriateness as required by SPMC 2.58A (Cultural Heritage Commission);~~

~~b. All properties within a designated historic district;~~

~~c. Where a proposed project is subject to a Certificate of Appropriateness from the CHC and also requires an application in which the Planning Commission is the Review Authority, the CHC shall review the Certificate of Appropriateness and provide recommendations to the Planning Commission for the Certificate of Appropriateness and may also provide recommendations on the portion of the application in which the Planning Commission is the Review Authority.~~

~~3. DRB review. The DRB will be responsible for the Design Review of all of the developments identified in subsection (B) (Applicability) of this section which are not subject to Design Review by the Planning Commission, CHC, DRB Chair, or Planning Director as specified in SPMC 36.410.040.~~

~~a. A subcommittee consisting of two members of the Design Review Board shall be formed to work with staff for the Design Review of Mixed Use or Multifamily of seven dwelling units or more, or not exempted from CEQA, as listed in Table 4-1 (Review Authority).~~

4.2. DRB Chair review. Planning Commission Chair Review. The Planning Commission Chair ("Chair") or a Planning Commissioner delegated by the Chair who is a state-registered architect or retired from that status shall be responsible for Design Review of the developments listed below. The Chair shall form a review committee with a City planner(s) appointed by the Director to review the project design. The committee shall decide on the project's approval without a public hearing.

~~The DRB Chair shall be responsible for Minor Design Review for projects that do not change the architectural design style of existing structures. These projects are as follows:~~

~~a. Exterior modifications to all elevations of existing structures that would not change the architectural design style of the structures. This includes elevations that are visible to the street and/or above the first floor. Exterior modifications include new and different siding materials, new windows, new roofing materials, and replacement of existing front porch posts, balcony railing, and other similar changes as determined by the Planning Director and/or DRB Chair to not change the architectural design style of the existing structures.~~

~~a. For commercial and industrial structures: Additions to existing structures or any new structure between 500 and 3,000 square feet in floor area; exterior modifications that would result in a change of architectural style of the building.~~

~~b. For residential structures:~~

~~1. Exterior modifications to existing structures that propose to substantially change the architectural style of the structure through changes in materials including, but not limited to, new siding type, windows, roofing, front porch posts and balcony railings and other features characteristic of an architectural style that the existing structure does not reflect.~~

~~2. Additions of no more than 500 square feet in area, or more than 25 percent of the existing structure, whichever is less, for an outdoor structure or a habitable space. Developments that require a Minor Hillside Development Permit with more than 500 square feet in area, that is not visible to street. Such additions are allowed above the first floor as long as they are not visible to the street, and do not exceed the height of the existing structure.~~

- 3. Rooftop mechanical equipment in RE, AM and RS Zoning Districts.
 - 4. Freestanding/Monument Signs in excess of three feet in height (see Section 36.320.080).
 - 5. Two-story ADUs in front of the primary dwelling (see Section 36.350.200.E.1(d))
 - ~~c. Subject to a Certificate of Appropriateness from the Cultural Heritage Commission in accordance with SPMC 2.68 through 2.68.~~
 - ~~d. Not subject to Planning Commission review in accordance with this division and SPMC 36.340 (Hillside Protection).~~
- 53. Planning Community Development Director.** The **Planning** Director shall be responsible for **Minor Design Review of the developments listed below. This review shall be conducted without a public hearing.**
- ~~a. for all projects~~ **Developments that are not reviewed by the Planning Commission, Planning Commission Chair, or subject to the Cultural Heritage Ordinance (SPMC Chapter 2), including involve minor modifications or additions to only the first floor of an existing structure, are not visible to the street, and do not change the architectural design style of the structures. these minor projects are as follows the following projects:**
 - ba. For commercial and industrial structures:** Exterior modifications, and new structures or additions to existing structures ~~that are not visible from the street or prominently visible to any adjoining properties, and not above the first floor of the structure with no more than 500 square feet of additional floor area that would not change the architectural style of the structure.~~ Exterior modifications include , but are not limited to, new siding materials, windows, and new roofing materials.
 - c. For residential structures:**
 - 1. Exterior modifications to existing structures that would not result in a change of architectural style of the structure. Exterior modifications include, but are not limited to, new siding materials, windows, and new roofing materials.
 - 2. Additions of no more than 500 square feet in area, or no more than 25 percent of the existing structure, whichever is less, for an outdoor structure or a habitable space that is not visible to the street or not above the first floor, except for development subject to a Minor Hillside Development Permit.
 - ~~d. Modifications to existing graded and/or improved outdoor areas on a property subject to Division 36.340 (Hillside Protection), such as installation of an in-ground swimming pool, spa, patio covers, additions and accessory structures less than 500 square feet, and similar features not visible to the street.~~
 - ~~d. Not subject to a Certificate of Appropriateness from the Cultural Heritage Commission in accordance with SPMC 2.68 through 2.68.~~
 - ~~e. Not on a hillside area with a slope of 30 percent or greater in accordance with SPMC 36.340 (Hillside Protection) of the South Pasadena Municipal Code.~~
- 64. Ministerial review of qualifying residential projects.** The Director shall develop an application for ministerial approvals of qualifying residential projects pursuant to the requirements of State law,

as well as procedures for processing applications for the ministerial approvals. The procedures may include a limited design review process and applicable standards. However, any limited design review process shall not constitute a "project" for purposes of the California Environmental Quality Act. "Qualifying residential projects" are either (a) residential or mixed-use projects located on a site included in either Table VI-50 or Table VI-51 of the Adopted 2021-2029 Housing Element with at least 20 percent of the residential units reserved for lower income households, or (b) residential or mixed-use projects that are subject to the inclusionary housing requirements of SPMC 36.375. Qualifying residential projects pursuant to criterion in subsection 6(a) of this section 4 shall also qualify for priority processing as compared to other projects processed by the Community Development Department, and shall be exempt from and not subject to the Public Art Program and Public Art Development requirements of SPMC 36.390 and 36.395. Eligible residential projects may include units for rent, for sale, or a combination of both. In the case of an eligible residential project with for-sale units, the Community Development Director shall be the review authority for any Tentative map required by the project, in accordance with State Law.

E. Preliminary Review. *No changes are proposed to this section*

F. Scheduling of Design Review.

1. ~~Design Review.~~ Once an application that requires the Commission's review-approval is deemed complete, the Director shall schedule ~~an~~ the application for Design Review hearing at the earliest available date following the required public notice period, concurrently, if applicable, with any other Zoning ~~Approval~~ applications that may be required.

2. ~~Minor Design Review.~~ Minor Design Review by the DRB Chair or Planning Director shall be considered administratively without conducting a public hearing or providing public notice prior to taking action.

2. Applications that require review by the Chair or Director shall be forwarded to the Chair or Director, as applicable, once the application is deemed complete. The Chair or Director shall review the application and render a decision within sixty (60) days of receipt. During the sixty-day review period ("review period"), the applicant shall make a good faith effort to be responsive to any requests from the Chair or Director and there shall be no more than three rounds of requests or questions during the review period. If applicable, the applicant shall have 15 days to respond to the first request, 10 days to response to the second request and 5 days to respond to the third request. The Chair or Director review is considered administratively without conducting a public hearing or providing public notice prior to taking action.

G Public notice. Public Notice for Commission Design Review hearings shall be in accordance with Section 36.630.020 Not less than 10 days before the hearing, the City shall give notice to the applicant, to owners of the subject property, to site occupants if the owner does not occupy the property, in compliance with Division 36.630 (Public Hearings), for all Design Review, with the exception of Minor Design Review, as follows:

1. ~~Three-hundred-foot radius notice. The following projects shall require that all owners of real property as shown on the County's latest equalized assessment roll and all legal occupants located within a 300-foot radius of the proposed project received public notification of the hearing. The 300-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of neighboring parcels within the 300-foot radius, without reference to structures existing on the parcels.~~

a. ~~Any project in which Design Review will occur as part of a Zoning Approval for which the Planning Commission or Design Review Board is the designated Review Authority;~~

- ~~b. Any project in which Design Review will occur as part of a Zoning Approval for which the Cultural Heritage Commission is the designated Review Authority;~~
 - ~~c. Any demolition of an existing structure that does not qualify for Minor Design Review;~~
 - ~~d. The construction of a new house or nonresidential structures;~~
 - ~~e. A change from the existing architectural design (e.g., replacement of all existing windows with a different window style, removal and replacement of all existing exterior with different materials, a roof reconfiguration, or similar construction which alters the existing style);~~
 - ~~f. An additional story to an existing structure;~~
 - ~~g. Additions that are not subject to Minor Design Review.~~
 - ~~2. Designated historic districts. In addition to the public noticing requirements of subsection (G)(1) of this section, when a project is located within a designated historic district the City shall give notice to all properties within the historic district.~~
- H. Design Review action. The following actions may be taken relating to any application in compliance with this Section:
- 1. Approval or disapproval. The Review Authority may approve or disapprove an application. Application approval may be subject to conditions as may be deemed reasonable and necessary to ensure that the findings required by subsection (I) (Required Findings) of this section and all City development standards are met. **Notice of any decision made without a public hearing shall be provided in writing to the applicant and anyone who has requested to be notified within five business days.**
 - 2. Continuance. The Review Authority may continue consideration of an application for a period of time not to exceed 90 days. The Director may extend this period to a total of 120 days, if the applicant has made material progress and can show good cause for the extension. ~~Should the DRB not take an affirmative action, the matter shall automatically be referred to the Planning Commission.~~
- I. Required findings. *No changes are proposed for this section*
- J. Appeal of a Review Authority action. *No changes are proposed for this section*
- K. Effect of Review Authority action. *No changes are proposed for this section*
- L. Amendments. The Review Authority may amend the terms and/or conditions originally approved by the Review Authority upon the written request of the applicant. **If the original approval required a public hearing, or the Review Authority shall consider the request at, after a duly noticed meeting held has been conducted** in compliance with this section.
- M. Expiration. *No changes are proposed for this section*
- N. Enforcement. *No changes are proposed for this section*
- 36.410.050 Conditional Use Permits and Administrative Permits
- A. Purpose. *No changes are proposed for this section*
- B. Applicability. *No changes are proposed for this section*

C. Application filing and processing. *No changes are proposed for this section*

D. Review Authority.

1. Planning Commission. The Commission may grant a Conditional Use Permit for any use listed in Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as requiring a Conditional Use Permit.
2. **Planning** Director. The Director may grant an Administrative Use Permit for any use listed in Article 2 as requiring an Administrative Use Permit, or may choose to instead refer the matter to the Commission for review, hearing, and decision.

E. Project review, notice, and hearing. *No changes are proposed for this section*

F. Findings and decision. *No changes are proposed for this section*

G. Conditions of approval. *No changes are proposed for this section*

36.410.060 Conditional Use Permits and Administrative Permits

A. Purpose. *No changes are proposed for this section*

B. Applicability. *No changes are proposed for this section*

C. Application filing and processing. *No changes are proposed for this section*

D. Review Authority.

1. Planning Commission. The Commission may grant a Conditional Use Permit for any use listed in Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as requiring a Conditional Use Permit.
2. **Planning** Director. The Director may grant an Administrative Use Permit for any use listed in Article 2 as requiring an Administrative Use Permit, or may choose to instead refer the matter to the Commission for review, hearing, and decision.

E. Project review, notice, and hearing. *No changes are proposed for this section*

F. Findings and decision. *No changes are proposed for this section*

G. Conditions of approval. *No changes are proposed for this section*

36.410.065 Hillside Development Permits.

A-C *No changes to these sections*

D. Review authority.

1. Hillside Development Permits may be approved or disapproved by the Planning Commission.
2. Minor Hillside Development Permits may be approved or disapproved by the ~~Design-Review Board (DRB)~~, ~~DRB~~ Planning Commission Chair or ~~Planning by the~~ Director in accordance with SPMC 36.410.040.

E-G *No changes to these sections*

36.410.070 Administrative Modifications.

A-B No changes to these sections

TABLE 4-2. ALLOWABLE ADMINISTRATIVE MODIFICATIONS		
Types of Administrative Modification Allowed		Maximum Adjustment
1.	Dwelling unit sizes. A decrease in the minimum square footage requirements for dwelling units.	10 percent
2.	Fence or walls. Fences, gates, pilasters, or walls in the side and rear yards that exceed six feet in height.	Not to exceed eight feet
3.	Nonconforming uses and structures. An adjustment in the development of and/or addition to a nonconforming use or structure. provided that the adjustment is consistent with the limitations established by the 1983 City of South Pasadena initiative.	10 percent
4.	Open space. A decrease in the minimum open space requirements.	10 percent
5.	Parcel (lot) area. A decrease in the minimum required parcel area or size.	10 percent
6.	Parcel (lot) coverage. An increase in the maximum allowable parcel coverage.	5 percent
7.	Parcel width dimensions. A decrease in the minimum required parcel width dimensions.	10 percent
8.	Parking lot dimensions. A decrease in the minimum parking lot and loading dimensions (e.g., aisle, driveway, and space widths).	10 percent
9.	Projections. An increase in the allowable projection of canopies, cornices, eaves, fireplaces, landings, masonry chimneys, overhangs, raised porches, stairways, and steps into a required setback areas, but no closer than 3 feet to any property line.	10 percent
10.	Setback areas. A decrease in the required setbacks.	
	Front setback	10 percent
	Side setbacks	10 percent
	Rear setback	10 percent
11.	Structure height. An increase in the maximum allowable structure height. provided that the increase complies with the height limitation established by the 1983 City of South Pasadena initiative.	10 percent
12.	Required Variance. A request which exceeds the limitations identified in this Subsection shall require the filing of a Variance application in compliance with Section 36.410.080.	

C-E No changes to these sections

F. Findings and decision. The Director shall record the decision in writing with the findings on which the decision is based. The Director may approve an Administrative Modification application, with or without conditions, only after first finding that:

1. Approval of the Administrative Modification would not be detrimental to the public health, interest, safety, or general welfare and would not be detrimental or injurious to property or improvements in the vicinity and in the same zoning district;

2. The subject property is physically suitable to accommodate the improvements granted by the Administrative Modification; and

3. The Administrative Modification is consistent with the General Plan and any applicable specific plan, ~~the limitations established by the 1983 City of South Pasadena initiative~~, and the general purposes and intent of this Section, including the requirements of the applicable zoning district.

G. Conditions of approval. In approving an Administrative Modification, the Director may impose conditions deemed reasonable and necessary to ensure:

1. Compliance with the purposes of this Section, consistency with the General Plan and any applicable specific plan, ~~and the limitations established by the 1983 City of South Pasadena initiative~~;

2. That the Administrative Modification does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located;

3. Compliance with the findings required by Subsection F. (Findings and decision), above; and

4. The protection of the best interests of the surrounding property or neighborhood, and to preserve the public health, safety, and general welfare.

H-I *No changes to these sections*

36.420.040 Time Limits and Extensions.

A. Time limits.

1. Unless conditions of approval or other provisions of this Zoning Code establish a different time limit, any Zoning Approval granted in compliance with Division 36.410 (Zoning Approval or Disapproval) that is not exercised within ~~4224~~ months of its approval shall expire and become void, except where an extension of time is approved in compliance with subsection (B) of this section.

2. The Zoning Approval shall ~~not~~ be deemed "exercised" ~~until when~~ the permittee has submitted construction plans to the Building Official for plan review ~~and paid including payment of~~ the requisite fees for plan check. The Zoning Approval for a project that requires construction shall remain valid; provided, that the plan review process remains active in the Building Division. ~~The plan review process shall be considered active for no more than 18 months from the date construction plans are submitted to the Building Official and the requisite plan check fees are paid until a Building Permit is issued. The Zoning Approval shall expire at the end of the aforementioned 18 months if a Building Permit has not been issued or an extension granted pursuant to the procedures set forth herein.~~ If no construction is required, the Zoning Approval shall be deemed "exercised" when the permittee has actually commenced the allowed use on the subject site in compliance with the conditions of approval.

3. Zoning Approval shall remain valid after it has been exercised as long as a Building Permit is active for the project, or a final building inspection or Certificate of Occupancy has been granted. A Building Permit issued by the Building Official remains active provided it has not expired pursuant to the Building Code.

4. If a project is to be developed in approved phases, each subsequent phase shall be exercised within 12 months from the date that the previous phase was exercised, unless otherwise specified in the Zoning Approval, or the Zoning Approval shall expire and be deemed void. If the project also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map and the Zoning Approval shall be exercised before the expiration of the Tentative Map, or the Zoning Approval shall expire and be deemed void.
- B. Extensions of time. Upon request by the applicant, the review authority may extend the time for a Zoning Approval to be exercised as follows:
1. Application filing. The applicant shall file a written request for an extension of time with the Department at least 10 days before the expiration of the Zoning Approval, together with the filing fee required by the Council Fee Resolution.
 2. Burden of Proof. The burden of proof is on the permittee to establish with substantial evidence that the Zoning Approval should be extended.
 3. Administrative Approval. The Director may grant no more than ~~one~~ **two one-year** administrative time extension(s) for a **total** period not to exceed ~~42~~ **24** months from the expiration date of the Zoning Approval; provided, that the Director finds that:
 - a. The project has not changed and there have been no material changes to the surrounding neighborhood;
 - b. The permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner;
 - c. The proposed extension is consistent with the General Plan and any applicable specific plan, and the overall project remains consistent with those plans as they exist at the time the extension request is being considered; and
 - d. There are adequate provisions for public services and utilities, e.g., access, drainage, fire protection, sewers, water, etc., to ensure that the proposed change would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.
 - e. Use of the Zoning Approval is likely to be or has been delayed by causes outside the applicant's control, e.g., project complexities, legal challenges, an economic downturn, requirements imposed by other governmental agencies.
 4. Review Authority. The Review Authority which originally approved the Zoning Approval may extend the time for a Zoning Approval beyond ~~42~~ **24** months and up to a maximum of ~~36~~ **48** months from the effective date of original approval; provided, that the applicant meets the requirements for time limits and extensions as required in this subsection and the Review Authority makes the findings in subsection (B)(3) of this section.
 - a. Hearing on extension. The Review Authority which originally approved the Zoning Approval shall hold a hearing on any proposed extension **beyond 48 months (inclusive of the original two-year approval and two one-year extensions)**, in compliance with Division 36.630 (Public Hearings).

• **Article 5 Subdivisions**

36.500.060 Authority for Subdivision Decisions

Table 5-1 (Authority for Subdivision Decisions) identifies the City official or authority responsible for reviewing and making decisions on each type of subdivision application and other decision required by this Article.

TABLE 5-1. AUTHORITY FOR SUBDIVISION DECISIONS				
Type of Subdivision Application or Decision	Role of Review Authority (1)			
	<u>Planning Community Development</u> Director	Director of Public Works	Planning Commission	City Council
Certificates of Compliance	Recommend	Decision		Appeal
Conditional Certificates of Compliance	Recommend	Decision		Appeal
Final Maps		Recommend		Decision
Lot Line Adjustments	Decision	Recommend		Appeal
Mergers	Decision	Recommend		Appeal
<u>Tentative Maps for Ministerial Projects²</u>	<u>Decision</u>	<u>Recommend</u>		<u>Appeal</u>
Tentative Maps	Recommend		Decision	Appeal
Tentative Map Time Extensions	Recommend		Decision	Appeal
Parcel Maps	Recommend	<u>Decision</u>	<u>Decision</u>	<u>Decision³</u>
<p>Notes:</p> <p>(1) "Recommend" means that the review authority makes a recommendation on the approval or disapproval of the request to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Division 36.610 (Appeals).</p> <p><u>(2) A Ministerial project includes any eligible development project as defined in Government Code Section 65913.4, 66499.40, and/or 66499.41.</u></p> <p><u>(3) A Parcel Map that requires a dedication or an offer of dedication shall require a decision by the City Council in accordance with SPMC 36.520.060.</u></p>				

36.510 Tentative Map Filing and Processing

[Add a new Section 36.510.160 as follows]

36.510.160 Ministerial Approvals.

The Director shall be the review authority for Tentative Maps associated with eligible affordable housing applications as defined by Government Code Section 65913.4, including for condominium purposes. Ministerial approvals shall also apply to eligible projects as defined in Government Code Sections 66499.40 and 66499.41, and any other ministerial approval authority as prescribed in State law.

• Article 6 Zoning Code Administration

36.600.020 Planning Agency Defined.

The functions of a Planning Agency shall be performed by the South Pasadena City Council, Planning Commission, ~~Design Review Board (DRB)~~, Director of ~~Planning and Building~~, and ~~Planning and Building Community Development~~ Department, in compliance with State law (Government Code Sections 65100, et seq.)

36.600.040 Planning Commission.

- A. Establishment. The Planning Commission, referred to in this Zoning Code as the Commission, is hereby established, in compliance with the provisions of State law (Government Code Section 65100 et seq.)
- B. Composition and appointment. The Commission shall consist of five adult members, all to be appointed by the Mayor, with the approval of the Council. **To the greatest extent feasible, members shall represent the following professions/occupations:**
- 1. Two who are state-licensed architects or retired from that status.**
 - 2. Two who are urban planners, historic preservation professionals, urban designers, landscape architects or retired from that status.**
 - 3. One who has demonstrated special interest, competence, experience, or knowledge in planning, community development and/or urban design.**
- C. Eligibility for membership. **Eligibility for Commission service shall be consistent with SPMC Chapter 2, Section 2.24. Members of the Council are ineligible for membership on the Commission. To be eligible for appointment or retention on the Commission, a citizen shall be and shall maintain their status as a resident elector of the City.**
- D. **Intentionally Omitted. Terms of office.**
- ~~1. The term of office of each Commissioner shall be three years, beginning on August 1st, or until their respective successors are appointed and qualify, and a Commissioner may serve for not more than two consecutive full terms. A Commissioner may be re-appointed after at least a 12-month absence from the Commission.~~
 - ~~2. A person appointed to serve a partial term, or a prior Commissioner who has not served on the Commission for a period of one year, may be appointed to serve not more than two consecutive full terms.~~
 - ~~3. If a vacancy occurs otherwise than by expiration of a term, it shall be filled by the Mayor, with the approval of the Council, by appointment for the unexpired portion of the term.~~
- E. Chairperson and **Vice Chairperson** Secretary.
1. The Commission shall, at its first regular meeting after August 1st **January 1st** of each year, elect a Chairperson from among its appointed members to serve for a term of one year.
 2. The person selected as Chairperson shall serve no more than two consecutive one-year terms as Chairperson. A Chairperson may be re-elected as Chairperson after at least a 12-month vacancy from that position.

3. The Commission shall also select a Vice Chairperson ~~Secretary~~ from the membership of the Commission.

F. *No changes to this section*

G. *No changes to this section*

H. *No changes to this section*

I. *No changes to this section*

J. *No changes to this section*

K. Intentionally Omitted. Removal of Commissions. ~~Any member of the Commission may be removed at the pleasure of the Mayor, subject to the approval of the Council.~~

L. Intentionally Omitted. Absences from meetings.

1. ~~A Commissioner's seat will be deemed vacant whenever the Commissioner, without excuse from the Council, misses three consecutive meetings or misses one third or more of all regular meetings within any six month period.~~

2. ~~Attendance of less than fifty percent of any meeting will be counted as a miss.~~

M. *No changes to this section*

N. Annual report to the Council. The Commission shall render annually to the Council, ~~during the month of June,~~ a full written report of its work during the preceding twelve months, on a date provided by the Director.

O. *No changes to this section*

36.600.050 Design Review Board (DRB). Intentionally Omitted.

A. ~~Establishment. The Design Review Board, referred to in this Zoning Code as the DRB, is hereby established.~~

B. ~~Appointment. The DRB members shall be appointed by the Mayor, with the approval of the Council.~~

C. ~~Membership.~~

1. ~~The DRB shall consist of five members, each being a resident elector of the City. To the greatest extent feasible, they shall represent the following professions/occupations:~~

a. ~~At least two members shall be state-licensed architects, or retired from that status;~~

b. ~~At least one member shall be state-licensed as a contractor or landscape architect, or retired and/or inactive from that status;~~

c. ~~At least one lay member who has demonstrated special interest, competence, experience, or knowledge in urban design.~~

D. ~~Terms of office.~~

1. ~~All members shall be appointed to a term of office of three years or until their respective successors are appointed and qualify.~~

~~2. A person who was appointed to serve a partial term may be appointed to serve not more than two consecutive full terms thereafter.~~

~~3. Each member shall not serve more than two consecutive full terms. A DRB member may be re-appointed after at least a 12-month absence from the DRB.~~

~~4. Any vacancy on the DRB shall be filled by the Mayor, with the approval of the Council.~~

~~E. Organization. The DRB shall elect its chairperson from among its appointed members for a term of one year and, subject to other provisions of law, may create and fill the other offices as it may deem necessary, subject to the approval of the Council.~~

~~F. Compensation. The DRB members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in the performance of their duties.~~

~~G. Quorum. Three members of the DRB shall constitute a quorum. No action of the DRB shall be valid without the affirmative vote of at least three members.~~

~~H. Authority.~~

~~1. Decision making responsibility. The DRB shall be the final review authority for projects only requiring Design Review that are not subject to Design Review by the Planning Commission or Cultural Heritage Commission, unless its determination is appealed to the Commission.~~

~~I. Limits of responsibility. The DRB may not:~~

~~1. Determine the location or appropriateness of a land use, if the use is in compliance with this Zoning Code;~~

~~2. Restrict development beyond the development standards identified in this Zoning Code, except as specifically provided herein; or~~

~~3. Authorize a sign prohibited by SPMC 36.320.040 (Prohibited Signs).~~

~~J. Delegation of responsibility. In order to allow the DRB flexibility in performing its duties in as efficient a manner as possible, the DRB may adopt criteria under which the Chairperson, acting alone, or a subcommittee of the full DRB, may implement and administer the policies of the DRB on a case-by-case basis for specified review of an aspect of a project, an entire specific project, or a category of projects or aspects thereof. The criteria shall be the same for both DRBs and be subject to the approval of the Council.~~

~~K. Term of Chairperson. The person selected as Chairperson shall serve no more than two consecutive one-year terms as Chairperson. A Chairperson may be re-elected as Chairperson after at least a 12-month vacancy from that position.~~

~~L. DRB secretary. The Planning Director shall act as secretary to the DRB, shall record all actions, and shall provide written communications to the applicants.~~

36.610.010 Purpose of Division.

This Division establishes procedures for the Commission's review of a decision by the Director ~~or Design Review Board (DRB) or the Planning Commission Chair~~, the Council's review of a decision by the ~~Director, Design Review Board (DRB)~~, Cultural Heritage Commission (CHC), or Commission, and appeals by other eligible appellants, in compliance with Section 36.610.030 (Who May File and Appeal), below.

36.610.020 Council or, Commission, ~~or DRB~~ Member Review.

A. Request for review. Within the appeal period identified in Subsection A of Section 36.610.050 (Timing and form of appeal), a member of the Council or, Commission, ~~or DRB~~ may request their respective body to review a decision which may be appealed to that body. A request for review may be initiated by any two members of the review body authorized to review a decision and shall be filed in writing to the office of the City Clerk. The request shall not state that an error has been made or otherwise suggest that the two members seeking review have predetermined the matter to be heard by their review body.

B. No fee required. No fee shall be required if the matter is brought before an appeal body in compliance with Subsection A.

C. Appealing as a private citizen. Nothing in this Section shall prevent a member of the Council or, Commission, ~~or DRB~~ from appealing a matter as a private citizen. However, the member may not appeal a decision of their respective Commission ~~or DRB~~, if that Commissioner ~~or DRB member~~ participated in that decision.

36.610.030 Who May File an Appeal.

An appeal may be filed by any person(s) affected by a decision rendered by the Director, ~~DRB~~, CHC, or Planning Commission Chair or Commission. However, only a person who is subject to the enforcement action or proposed enforcement action may appeal a determination by the Director regarding whether a code violation exists on that person's property

36.610.040 Appeal Subjects and Jurisdiction.

Determinations and actions that may be appealed, and the authority to act upon an appeal shall be as follows.

A. Code administration and interpretation. The following determinations and actions of the Director ~~and DRB~~ may be appealed to the Commission and then to the Council:

1. Determinations on the meaning or applicability of the provisions of this Zoning Code that are believed to be in error, and cannot be resolved with staff; and
2. An enforcement action in compliance with Division 36.640 (Enforcement) and Section 36.610.030.

B. Zoning approvals and hearing decisions. Decisions by the Director or Planning Commission Chair ~~DRB~~ may be appealed to the Commission. Decisions made originally by the Commission may be appealed to the Council. A commissioner involved in a Chair Review decision shall not participate in an appeal of said decision.

36.610.050 Appeal Filing, Processing, and Decisions.

A. Timing and form of appeal.

1. An appeal application shall be submitted in writing within 15 calendar days after the date of the decision of the Director, ~~DRB~~ Planning Commission Chair or Commission, as applicable, that is being appealed.
2. An appeal application addressed to the Commission shall be filed with the Department, while an appeal addressed to the Council shall be filed with the City Clerk.
3. An appeal application shall:
 - a. Specifically identify the grounds upon which the appeal will be taken and summarize the facts and points of law in support of the appeal. Additional facts or points of law may be presented at the hearing;
 - b. Be accompanied by the information identified in the Department handout for appeal applications; and

c. Be accompanied by the filing fee established by the Council Fee Resolution.

B. Delay of proceedings. The filing of an appeal shall delay (or suspend) the effective date of the Director, ~~DRB-Planning Commission Chair~~ or Commission action until the date the decision on appeal becomes final or the appeal is withdrawn.

C. *No changes to this section*

D. *No changes to this section*

E. Action on appeals. Notice and hearing of an appeal shall be given in the same manner as any hearing required for the action being appealed. If no notice was required, then the appeal body shall give notice as it deems fair and appropriate.

1. Scope of review and decision. When reviewing an appeal the review authority may:

a. Consider any issues associated with the decision being appealed, in addition to the specific grounds for the appeal. The reviewing authority shall also consider any environmental determination applicable to the zoning approval or decision being appealed;

b. By resolution, uphold, uphold in part, or reverse the action, the determination, or decision that is the subject of the appeal; or

c. Adopt additional conditions of approval deemed reasonable and necessary.

2. New evidence. If new or different evidence, related only to the subject of the appeal, is presented during the appeal hearing, the Commission or Council may refer the matter back to the Director, ~~DRB-Planning Commission Chair~~ or Commission, as applicable, for a report on the new or different evidence before a final decision on the appeal.

3. Findings. The appeal body shall be governed by the same criteria ~~which~~ that governed the action being appealed.

4. Time limits. Unless otherwise specified by law, including this Zoning Code, the appeal body shall render its decision on the appeal within 30 days after the closing of the hearing for the appeal.

F. *No changes to this section*

36.620.030 Initiation of Amendments.

An amendment to the General Plan, this Zoning Code, or the Zoning Map shall be initiated in compliance with this Section.

A. Who may initiate an amendment.

1. General Plan or Zoning Code. A General Plan or Zoning Code amendment may only be initiated by:

a. A ~~resolution~~ Resolution of ~~intention~~ Intention by the Council;

b. A ~~resolution~~ Resolution of ~~intention~~ Intention by the Commission;

c. The Council or Commission upon request of an applicant; ~~or~~

d. Council action to adopt an urgency measure as an interim ordinance in compliance with State law (Government Code Section 65858); or

e. The Director, upon transmittal of written notice to the Planning Commission and City Council.

2. Zoning Map. A Zoning Map amendment may be initiated by:

a. A ~~resolution~~ Resolution of ~~intention~~ Intention by the Council;

b. A ~~resolution~~ Resolution of ~~intention~~ Intention by the Commission; or

c. The filing of an amendment application with the Department by the owner or authorized agent of property for which the amendment is sought. If the property is under more than one ownership, all of the owners or their authorized agents shall join in filing the application; or

d. The Director, upon transmittal of written notice to the Planning Commission and City Council.

B. Application filing and processing.

1. An application for an amendment shall be filed and processed in compliance with Division 36.400 (Application Filing and Processing).

2. The application shall be accompanied by the information identified in the Department handout for amendment applications.

36.620.050 Commission Action on Amendments.

A. Commission recommendation.

1. The Commission shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in Section 36.620.070 (Findings and Decision), below.

2. The Commission action shall be by resolution, adopted by no less than three affirmative votes of the Commission.

B. Recommendation ~~for approval~~. The decision of the Commission, recommending approval or disapproval of the amendment, shall be forwarded to the City Clerk for scheduling of a hearing before the Council at the earliest available date.

~~C. Recommendation for disapproval. The decision of the Commission, recommending disapproval of the amendment, shall be final unless, the applicant/appellant files a written appeal with the City Clerk requesting a hearing before the Council, in compliance with Division 36.610 (Appeals).~~

36.630.010 Purpose of Division.

This Division establishes procedures for public hearings before the ~~Director, DRB,~~ Commission and Council. When a public hearing is required by this Zoning Code, public notice shall be given and the hearing shall be conducted as provided by this Division.

36.630.020 Notice of Hearing

When a zoning approval or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with state law (Government Code Sections 65090, 65091, 65092, 65094, 65854 and 66451.3, and Public Resources Code Section 21000 et seq.), and as required by this division.

A. Contents of notice. Notice of a public hearing shall include:

1. Hearing information. The date, time, and place of the hearing and the name of the hearing body; a brief description of the City's general procedure concerning the conduct of hearings and decisions; and the phone number and street address of the Department, where an interested person could call or visit to obtain additional information;
2. Application information. The name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing; and
3. Statement on environmental document. If a draft Negative Declaration or Environmental Impact Report has been prepared for the project ~~in compliance with the South Pasadena Environmental Review Guidelines~~, the hearing notice shall include a statement that the hearing body will also consider approval of the draft Negative Declaration or certification of the final Environmental Impact Report; and.
4. Effect of City action. The following statements, which are intended to alert the recipient to the possible effects that could result from the City approving the subject amendment:
 - a. General Plan or specific plan. A General Plan or specific plan amendment could result in a change in the manner (e.g., a change from residential to commercial, commercial to business park, or commercial or business park to residential) in which the subject parcels may be used or in the allowed intensity or density of the project.
 - b. Zoning Code. A Zoning Code amendment could modify any allowable land use, standard, requirement, or procedure applicable to construction of a project within the City.
 - c. Zoning Map. A Zoning Map amendment could have the effect of rezoning property from one zoning district to another (e.g., a change from residential to commercial, commercial to business park, or commercial or business park to residential) or in the allowed intensity or density of the project.

B. Method of notice distribution. Notice of a public hearing required by this division for an amendment, appeal, or entitlement shall be given as follows, as required by state law:

1. Mailing.

- a. Notice shall be mailed, or delivered through the United States mail, postage prepaid, at least 10 days before the hearing, ~~or where required for a proposed Zoning Ordinance amendment, at least 20 days in compliance with Government Code Section 65854, through the United States mail with postage prepaid~~, to:
 - (1) The owners of the property being considered or the owner's agent and the applicants;
 - (2) Each local agency expected to provide schools, water, sewage or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
 - (3) All owners of real property as shown on the County's latest equalized assessment roll and all ~~legal~~ occupants of the real property, located within a 300-foot radius of the

subject parcel. The 300-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of neighboring parcels within the 300-foot radius, without reference to structures existing on the parcels; and

- (4) Any person who has filed a written request for notice with the Director.
 - b. The 300-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of the neighboring parcels within the 300-foot radius, without reference to structures existing on either parcels.
 - c. Notwithstanding paragraph (a), notice of a public hearing of the Planning Commission for a Zoning Code or Zoning Code amendment that affects the permitted uses of real property, shall be mailed, or delivered through the United States mail, postage prepaid, at least 20 days before the hearing to the parties described in paragraph (a).
2. Publication. ~~Additional required notice~~. In addition to the mailing or delivery identified in subsection (B)(1) of this section, the notice shall also be published at least once in a local newspaper of general circulation within the City at least 10 days before the hearing. If the notice is for a public hearing of the Planning Commission for a Zoning Code or Zoning Code amendment that affects the permitted uses of real property, the notice shall be published as provided herein at least 20 days before the hearing.
 3. Site Posting. If applicable, the subject property shall be posted with a sign, in keeping with the following standards:
 - a. Contents of Notice. The public hearing sign shall include all the information required in subsection ~~Subparagraph A~~ listed above.
 - b. Dimensions. Public hearing signs shall be posted with the following dimensions:
 - (1) Projects in mixed-use, commercial and multi-family residential districts: Minimum dimensions of two feet by two feet. Larger signs are allowed provided they do not exceed 12 square feet and are either square or rectangular. Public hearing signs shall not exceed six feet in height.
 - (2) Projects in single-family residential districts: Minimum dimensions of 11"x17".
 - c. Materials and Specifications. Public hearing signs and all support elements shall be non-illuminated and constructed of materials capable of withstanding wind and weather for the duration of the required posting time. The Director shall have the authority to determine the appropriate materials and specifications for all public hearing signs. The Director shall determine any further specifications regarding the format, letter size, style, and color of such signs.
 - d. Location. Public hearing signs shall be located in a conspicuous and visible place, parallel to the primary street, sidewalk, and/or right-of-way. Public hearing signs shall be located at least five (5) feet from any lot line but not more than ten (10) feet from the front lot line.
 - (1) As an alternative, if the sign cannot be posted in this manner, the Director shall approve an alternative posting location. This may include, but is not limited to, posting the public hearing sign on a building, in a window, or in another conspicuous place as allowed by the constraints of the subject property.
 - e. Multiple frontages. For parcels with multiple street frontages, including corner lots, a public hearing sign shall be required on each frontage.

- f. Posting Period. A public hearing sign shall be posted on the subject property at least ten (10) days prior to the scheduled public hearing and shall remain on the site until a final decision is rendered, the project is withdrawn, or for another unforeseen but practical reason, as approved by the Director. If necessary, the sign shall be updated with current information, such as a rescheduled date or another public hearing for an appeal.
- g. Sign Posting Verification. Upon posting, the applicant shall submit documentation to the Director, including photographs that clearly show the location and content of the sign, verifying that the sign was posted in a timely manner in compliance with this subsection 3.
- h. Removal. The public hearing sign shall be removed within ten (10) days of the expiration of the appeal period, final decision, or withdrawal of the project. The applicant shall notify the Director in writing that the public hearing sign has been removed.
- i. Failure to Post the Site. Failure to post the subject property with a public hearing sign, to include the required information, to update hearing information as necessary, or to comply with applicable standards, may result in a delay to the scheduled public hearing.

C. Alternative to mailing. If the number of property owners to whom notice would be mailed in compliance with subsection (B)(1) of this section is more than 1,000, the Director may choose to provide the alternative notice allowed by state law (Government Code Section 65091(a)(4)(3)).

~~DE~~ Additional optional notice. In addition to the types of notice required by subsections (B), ~~and (C), and (D)~~ of this section, the Director may provide additional notice with content or using a distribution method as the Director determines is necessary or desirable (e.g., use of a greater radius for notice, ~~on the internet by email, through website or social media~~, etc.).

36.630.030 Scheduling of Hearing.

After the completion of the public comment period for an environmental document required by the California Environmental Quality Act (CEQA) ~~and the South Pasadena Environmental Review Guidelines~~, the matter shall be scheduled for public hearing on a Director, ~~DRB,~~ CHC, Commission, or Council agenda (as applicable) at the earliest available date after the end of the public notification period in compliance with Section 36.630.020 (Notice of Hearing).

36.630.040 Review Authority Decision and Notice.

A. Decision.

1. The review authority (~~Director, DRB,~~ CHC, Commission, or Council, as applicable) shall ~~may~~ announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, defer action and continue the matter to a later meeting agenda in compliance with SPMC 36.630.070 (Hearing Procedure), ~~or, in the case of the Director take the matter under advisement~~

2. The Director or Planning Commission Chair may instead refer the matter to the Planning Commission ~~or Design Review Board~~ for determination. ~~A referral will require at a new noticed hearing, before the Planning Commission or Design Review Board.~~

3. The action of the Planning Commission shall be by resolution, adopted by the affirmative vote of not less than three members.

4. Project applications shall be reviewed within 30 days of submittal and either deemed complete if all application information and materials have been provided, or deemed incomplete if

missing information and/or materials have been identified. Once complete, project applications shall be reviewed in compliance with the Permit Streamlining Act.

36.630.050. No changes to this section.

36.630.060 Effective Date of Decision.

A decision of the Director, ~~DRB~~, CHC, ~~or~~ Commission **or Planning Commission Chair** (other than a recommendation in compliance with Section 36.630.050) is final and effective at the end of the business day on the 15th day following the decision, unless an appeal is filed in compliance with Division 36.610 (Appeals).

- **Article 7 Definitions**

36.700.020

D. Definitions, "D."

~~Design Review Board. The City of South Pasadena Design Review Board.~~

Director. The City of South Pasadena Director of ~~Planning and Building~~ Community Development, or designee of the Director, referred to in this Zoning Code as the "Director."

~~DRB. See "Design Review Board."~~

R. Definitions, "R."

Review Authority. The individual or official City body (the Director of ~~Planning and Building~~ Community Development, ~~Design Review Board~~, Cultural Heritage Commission, Planning Commission, or City Council) identified by this Zoning Code or in Chapter 2, Article IVH (Cultural Heritage Commission) of this Code as having the responsibility and authority to review, and approve or disapprove the permit applications, ~~described in Article 6 (Zoning Code Administration)~~